

ACTS
OF THE
SESSION OF 1873
OF THE
GENERAL ASSEMBLY
OF ALABAMA

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CONSTITUTION
OF THE
STATE OF ALABAMA,
AS REVISED AND AMENDED
BY THE
CONVENTION ASSEMBLED AT MONTGOMERY
ON THE
FIFTH DAY OF NOVEMBER, 1867.



MONTGOMERY, ALA.:
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CONSTITUTION.

PREAMBLE.

WE, the People of the State of Alabama, by our Representatives in Convention assembled, in order to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure to ourselves and to our posterity the rights of life, liberty and property, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama:

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, WE DECLARE:

§ 1. That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

§ 2. That all persons resident in this State, born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared citizens of the State of Alabama, possessing equal civil and political rights and public privileges.

§ 3. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have, at all times, an inherent right to change their form of government, in such manner as they may deem expedient.

§ 4. That no person shall be deprived of the right to worship God according to the dictates of his own conscience.

§ 5. That no religion shall be established by law.

§ 6. That any citizen may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

§ 7. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures or searches, and that no warrant shall issue to search any place, or to seize any person or thing without probable cause, supported by oath or affirmation.

§ 8. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or information, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and that he shall not be compelled to give evidence against himself, or be deprived of his life, liberty or property, but by due process of law.

§ 9. That no person shall be accused, or arrested, or detained, except in cases ascertained by law, and according to the forms which the same has prescribed; and that no person shall be punished but by virtue of a law established and promulgated prior to the offense, and legally applied.

§ 10. That no person shall, for any indictable offense, be proceeded against criminally, by information, except in cases arising in the land and naval service, or in the militia when in actual service, or by leave of the court for oppressions or misdemeanor in office; *Provided*, That in cases of petit larceny, assault, assault and battery, affray, unlawful assemblies, vagrancy, and other misdemeanors, the General Assembly may, by law, dispense with a grand jury, and authorize such prosecutions and proceedings before justices of the peace, or such other inferior courts as may be by law established.

§ 11. That no person shall, for the same offense, be twice put in jeopardy of life or limb.

§ 12. That no person shall be debarred from prosecuting or defending, before any tribunal in the State, by himself, or counsel, any civil cause to which he is a party.

§ 13. That the right of trial by jury shall remain inviolate.

§ 14. That in prosecution for the publication of papers investigating the official conduct of officers, or men in public capacity, or when the matter published is proper for public

information, the truth thereof may be given in evidence ; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court.

§ 15. That all courts shall be open, that every person, for any injury done him in his lands, goods, person, or reputation, shall have a remedy by due process of law ; and right and justice shall be administered without sale, denial or delay.

§ 16. That suits may be brought against the State, in such manner and in such courts as may be by law provided.

§ 17. That excessive fines shall not be imposed, or cruel punishment inflicted.

§ 18. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great. Excessive bail shall not, in any case, be required.

§ 19. The privilege of writ of *habeas corpus* shall not be suspended, except when necessary for public safety in times of rebellion or invasion.

§ 20. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort ; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.

§ 21. That no person shall be attainted of treason by the General Assembly ; and that no conviction shall work corruption of blood or forfeiture of estate.

§ 22. That no person shall be imprisoned for debt.

§ 23. That no power of suspending laws shall be exercised, except by the General Assembly, or by its authority.

§ 24. That no *ex post facto* law, or any law impairing the obligation of contracts, shall be made.

§ 25. That private property shall not be taken or applied for public use, unless just compensation be made therefor ; nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owner : *Provided, however,* That laws may be made securing to persons or corporations the right of way over the lands of either persons or corporations, and for works of internal improvement, the right to establish depots, stations, and turnouts, but just compensation shall, in all cases, be first made to the owner.

§ 26. That all navigable waters shall remain forever public highways, free to the citizens of the State, and of the United States, without tax, impost or toll imposed ; and that no tax,

toll, impost or wharfage shall be demanded or received from the owner of any merchandise or commodity, for the use of the shores, or any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be expressly authorized by the General Assembly.

§ 27. That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government, for redress of grievances, or other purposes, by petition, address, or remonstrance.

§ 28. That every citizen has a right to bear arms in defense of himself and the State.

§ 29. That no person who conscientiously scruples to bear arms shall be compelled to do so, but may pay an equivalent for personal service.

§ 30. That no standing army shall be kept up without the consent of the General Assembly; and, in that case, no appropriation for its support shall be made for a longer term than one year, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

§ 31. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner; or in time of war, but in a manner to be prescribed by law.

§ 32. That no title of nobility, or hereditary distinction, privilege, honor, or emolument, shall ever be granted or conferred in this State; that no property qualification shall be necessary to the election to, or holding of, any office in this State, and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

§ 33. That emigration from the State shall not be prohibited, and that no citizen shall be exiled.

§ 34. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

§ 35. That no form of slavery shall exist in this State; and there shall be no involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

§ 36. The right of suffrage shall be protected by laws, regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct.

§ 37. That this State has no right to sever its relations to the Federal Union, or to pass any law in derogation of the paramount allegiance of the citizens of this State to the government of the United States.

§ 38. That this enumeration of certain rights shall not impair or deny others retained by the people.

ARTICLE II.

STATE AND COUNTY BOUNDARIES.

§ 1. The boundaries of this State are established and declared to be as follows—that is to say: Beginning at the point where the thirty-first degree of north latitude crosses the Perdido river; thence east to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee; thence west along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river, by said line; thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this State, as originally formed; thence southerly, along the line of the State of Mississippi to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; and thence up the said river to the beginning.

§ 2. The General Assembly may, by a two-thirds vote of both houses thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote. But no new counties shall be hereafter formed of less extent than six hundred square miles; and no existing county shall be reduced to less extent than six hundred square miles; and no new county shall be formed which does not contain a sufficient number of inhabitants to entitle it to one representative under the ratio of representation existing at the time of its formation, or unless the county or counties from which it is taken shall be left with the required number of inhabitants entitling such county or counties to separate representation.

ARTICLE III.

DISTRIBUTION OF POWERS OF GOVERNMENT.

§ 1. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those who are legislative, to one; those which are executive, to another; and those which are judicial, to another.

§ 2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

§ 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

§ 2. The style of the laws of this State shall be: "Be it enacted by the General Assembly of Alabama." Each law shall contain but one subject, which shall be clearly expressed in its title; and no law shall be revised or amended unless the new act contain the entire act revised, or the section or sections amended; and the section or sections so amended shall be repealed.

§ 3. Senators and Representatives shall be elected by the qualified electors on the Tuesday after the first Monday in November. The term of office of the Senators shall be four years, and that of the Representatives two years, commencing on the day after the general election.

§ 4. No person shall be a Representative unless he is eligible as an elector to vote for members of the General Assembly.

§ 5. No person shall be a Senator unless he be eligible as an elector to vote for members of the General Assembly, and shall be twenty seven years of age, and shall have resided for two years within the State, and for the last year thereof within the district for which he shall be chosen.

§ 6. The House of Representatives, when assembled, shall choose a Speaker and its other officers; and the Senate shall choose a President, in the absence of the Lieutenant Governor, and its other officers; each House shall judge of the qualifications, elections and returns of its own members, but a contested election shall be determined in such manner as shall be directed by law. The President of the Senate and the Speaker of the House of Representatives shall remain in office until their successors are elected and qualified.

§ 7. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in

such manner and under such penalties as each house may provide.

§ 8. Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, ; but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent State.

§ 9. Each house, during the session, may punish, by imprisonment, any person not a member, for disrespectful or disorderly behavior in its presence, or obstructing any of its proceedings: *Provided*, That such imprisonment shall not, at any time, exceed forty eight hours.

§ 10. Each house shall keep a journal of its proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as in its judgment may require secrecy, and the yeas and nays of the members of either house, on any question, shall, at the desire of one-tenth of the members present, be entered on the journals,. Any member of either house shall have liberty to dissent from, or protest against, any act or resolution which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the journals.

§ 11. Members of the General Assembly shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest; and they shall not be subject to any civil process during the session of the General Assembly, nor for fifteen days next before the commencement and after the termination of each session.

§ 12. When vacancies occur in either house, the Governor, or the person exercising the powers of the Governor, shall issue writs of elections to fill such vacancies.

The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

§ 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

§ 15. Bills may originate in either house, and be amended, altered or rejected by the other: but no bill shall have the force of law until on three several days it be read in each house, and free discussion be allowed thereon, unless, in case of urgency, four-fifths of the house in which the bill shall be pending may deem it expedient to dispense with this rule. And every bill, having passed both houses, shall be signed by the speaker and president of their respective houses: *Pro-*

vided, That all bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

§ 16. Every bill or resolution having the force of law, to which the concurrence of both houses of the General Assembly may be necessary, except on a question of adjournment, which shall have passed both houses, shall be presented to the Governor, and if he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on the journals, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number of members of that house shall agree to pass it, it shall be sent, together with the objections, to the other house, by which it shall be reconsidered, and if approved by a majority of the whole number of members of that house, it shall have the same effect as if it had been signed by the Governor; but in all such cases the votes of both houses shall be taken by yeas and nays, and the names of persons voting for and against the bill or resolution shall be entered on the journals of both houses respectively. If the bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect as if he had signed it, unless the General Assembly, by its adjournment, prevent its return, in which case it shall not be a law.

§ 17. Every order, resolution or vote, to which the concurrence of both houses may be necessary, (except on questions of adjournment, and for bringing on elections by the two houses,) shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of bills.

§ 18. Each member of the General Assembly shall receive from the public treasury such compensation for his services as may be prescribed by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

§ 19. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such office as may be filled by election by the people.

§ 20 No person who holds any lucrative office under the

United States, or under this State, or any other State, or government, (except postmasters, officers in the militia, to whose office no annual salary is attached, justices of the peace, members of the court of county commissioners, notaries public, and commissioners of deeds;) no person who has been convicted of having given or offered any bribe to procure his election to any office, no person who has been convicted of bribery, forgery, perjury or other high crime, or misdemeanor, which may be by law declared to disqualify him; and no person who has been a collector or holder of any public moneys, and has failed to account for and pay over to the treasury all sums for which he may be by law accountable, shall be eligible to the General Assembly.

§ 21. The General Assembly shall meet annually, on such day as may be by law prescribed, and shall not remain in session longer than thirty days, except by a vote of two thirds of each house.

§ 22. In all elections by the General Assembly the members shall vote *viva voce* , and the votes shall be entered on the journals.

§ 23. All State officers may be impeached for any misdemeanor in office, but judgment shall not extend further than removal from office, and disqualification to hold office, under the authority of this State. The party impeached, whether convicted or not, shall be liable to indictment, trial and judgment, according to law.

§ 24. The House of Representatives shall have the sole power of preferring impeachment. All impeachments shall be tried by the Senate; the Senators, when sitting for that purpose, shall be on oath or affirmation; and no person shall be convicted under an impeachment without the concurrence of two-thirds of the Senators present.

§ 25. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that mode of adjustment.

§ 26. It shall be the duty of the General Assembly, from time to time, as circumstances may require, to frame and adopt a penal code, founded on principles of reformation.

§ 27. It shall be the duty of the General Assembly, within five years after the adoption of this Constitution, and within every subsequent period of ten years, to make provision by law for the revision, digesting and promulgation of all the public statutes of this State, both civil and criminal.

§ 28- The General Assembly shall have power to pass such penal laws as they may deem expedient, to suppress the evil practice of duelling.

§ 29. It shall be the duty of the General Assembly to regulate by law the cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacities, and the amount of such deductions.

§ 30. Divorces from the bonds of matrimony shall not be granted but in the cases by law provided for, and by suit in chancery ; but decisions in chancery for divorce shall be final, unless appealed from in the manner prescribed by law, within three months of the date of the enrollment thereof.

§ 31. No money shall be drawn from the treasury but in pursuance of an appropriation made by law ; and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually. in such manner as may be by law directed.

§ 32. The General Assembly shall not borrow or raise money on the credit of this State, except for purposes of military defense against actual or threatened invasion, rebellion or insurrection, without the concurrence of two-thirds of the members of each house ; nor shall the debts or liabilities of any corporation, person or persons, or other States be guaranteed, nor any money, credit or other thing be loaned or given away, except by a like concurrence of each house ; and the votes shall, in each case, be taken by the yeas and nays and be entered on the journals.

§ 33. The State shall not engage in works of internal improvement ; but its credit in aid of such may be pledged by the General Assembly on undoubted security, by a vote of two-thirds of each house of the General Assembly.

§ 34. It shall be the duty of the General Assembly to make adequate provisions in each county for the maintenance of the poor of this State.

§ 35. Any citizen of this State who shall, after the adoption of this Constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or act as a second, or knowingly aid or assist in any manner those thus offending, shall be incapable of holding any office under this State.

§ 36. The General Assembly shall not have power to authorize any municipal corporation to pass any laws contrary to the general laws of the State, nor to levy a tax on real and personal property to a greater extent than two per centum of the assessed value of such property.

§ 37. In the event of annexation of any foreign territory to this State, the General Assembly shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of the acquisition, anything in this Constitution to the contrary notwithstanding.

ARTICLE V.

EXECUTIVE DEPARTMENT.

§ 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer and Attorney General, who shall be chosen by the electors of the State, at the time and places at which they shall vote for Representatives.

§ 2. The Governor, Lieutenant Governor, Secretary of State, Treasurer and Attorney General shall hold their offices for the term of two years, and the Auditor for the term of four years.

§ 3. The returns of every election for the officers named in the preceding section shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the presiding officer of the Senate, who, during the first week of the session, shall open and publish the same in the presence of a majority of the members of the General Assembly, the person having the highest number of votes shall be declared duly elected, but if two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for executive officers shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

§ 4. The supreme executive power of this State shall be vested in the Governor.

§ 5. He shall take care that the laws are faithfully executed.

§ 6. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

§ 7. He shall communicate at every session by message to the General Assembly, the condition of the State, and recommend such measures as he shall deem expedient.

§ 8. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both

houses, when assembled, the purposes for which they have been convened.

§ 9. In case of disagreement between the two houses, in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

§ 10. He shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

§ 11. He shall have power, after conviction, to grant reprieves, commutations and pardons for all offences (except treason and cases of impeachment), upon such conditions as he may think proper, subject, however, to such regulations as to the manner of applying for pardons as may be prescribed by law ; but such pardons shall not relieve from civil or political disability. Upon conviction of treason, he may suspend the execution of the sentence, and report the same to the General Assembly at the next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant further reprieve. He shall communicate to the General Assembly at every regular session each case of reprieve, commutation or pardon granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon or reprieve, with his reasons therefor.

§ 12. There shall be a great seal of the State, which shall be kept and used by the Governor officially, and the seal heretofore in use shall continue to be the great seal of the State until another shall have been adopted by the General Assembly.

§ 13. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the great seal, signed by the Governor, and countersigned by the Secretary of State.

§ 14. No member of Congress, or other person, holding office under the authority of this State, or of the United States, shall execute the office of Governor, except as herein provided.

§ 15. In case of the death, impeachment, resignation, removal, or other disability of the Governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

§ 16. The Lieutenant Governor shall be President of the Senate, but shall vote only when the Senate is equally divided, and in case of his absence or impeachment, or when he shall

exercise the office of Governor, the Senate shall choose a president *pro tempore*.

§ 17. If the Lieutenant Governor, while executing the office of Governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

§ 18. Should the office of Secretary of State, Auditor, Treasurer or Attorney General become vacant from any of the causes specified in the fifteenth section of this article, the Governor shall fill the vacancy until the disability is removed or a successor elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after it shall have occurred, and the person chosen shall hold the office for the full term fixed in the second section of this article.

§ 19. The officers mentioned in this article shall, at stated times, receive for their services a compensation to be established by law, which shall neither be increased or diminished during the period for which they shall have been elected.

§ 20. The officers of the Executive Department and of the public institutions of the State, shall, at least five days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly.

§ 21. A sheriff shall be elected in each county, by the qualified electors thereof, who shall hold his office for the term of three years, unless sooner removed, and shall not be eligible to serve either as principal or deputy for any two successive terms. Vacancies in the office of sheriff shall be filled by the Governor, as in other cases; and the person appointed shall continue in office until the next general election in the county for sheriff, as by law provided.

ARTICLE VI.

JUDICIAL DEPARTMENT.

§ 1. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment, a supreme court, circuit courts, chancery courts, courts of probate, such infe-

rior courts of law and equity, to consist of not more than five members, as the General Assembly may from time to time establish, and such persons as may be by law invested with powers of a judicial nature.

§ 2. Except in cases otherwise directed in the Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations not repugnant to this Constitution, as may from time to time be prescribed by law: *Provided*, That said court shall have power to issue writs of injunction, mandamus, habeas corpus, quo-warranto, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdiction.

§ 3. The Supreme Court shall be held at the seat of government, but if that shall have become dangerous from an enemy, or from disease, it may adjourn to a different place.

§ 4. The State shall be divided by the General Assembly into convenient circuits, each of which shall contain not less than three nor more than eight counties; and for each circuit there shall be chosen a judge, who shall, after his election or appointment, reside in the circuit for which he shall have been chosen.

§ 5. The Circuit Court shall have original jurisdiction in all matters, civil and criminal, within the State, not otherwise excepted in the Constitution, but in civil cases only when the matter or sum in controversy exceeds fifty dollars: *Provided*, however, That the Circuit Court shall have equity jurisdiction concurrent with the Courts of Chancery in all cases for divorce, and cases in which the value of the matter in controversy does not exceed the sum of five thousand dollars.

§ 6. A Circuit Court shall be held in each county in the State at least twice in every year, and the judges of the several circuits may hold courts for each other when they deem it expedient, and shall do so when directed by law: *Provided*, That the judges of the several Circuit Courts shall have power to issue writs of injunction returnable into Courts of Chancery.

§ 7. The General Assembly shall have power to establish a Court or Courts of Chancery with original and appellate jurisdiction. The State shall be divided by the General Assembly into convenient Chancery Divisions, and the Divisions into Districts; and for each Division there shall be a Chancellor, who shall, after his election or appointment, reside in the Division for which he shall have been elected or appointed.

§ 8. A Chancery Court shall be held in each county at a place therein to be fixed by law, and the Chancellors may hold courts for each other, when they deem it expedient.

§ 9. The General Assembly shall have power to establish in each county within the State a Court of Probate, with general jurisdiction for the granting of letters testamentary and of administration, and for orphans' business; and the General Assembly may confer on the said courts jurisdiction of contracts for labor, and order frequent sessions for that purpose.

§ 10. The judges of the Supreme Court, Circuit Courts, and Courts of Chancery shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites, nor hold any office (except judicial offices) of profit or trust under this State, or the United States, during the term for which they have been elected, nor under any other power during their continuance in office.

§ 11. Judges of the Supreme Court, and Chancellors, Judges of the Circuit and Probate Courts, and of such other inferior courts as may be by law established, shall be elected by the qualified electors of the respective counties, cities, towns, or districts, for which said courts may be established, on the Tuesday after the first Monday in November of each year, or such other day as may be by law prescribed. Vacancies in the office of the Circuit Judge, Judge of Probate, or Judge of any other inferior court established by law, shall be filled by the Governor; and the person appointed by him shall hold office until the next election day appointed by law for election of Judge, and until his successor shall have been elected and qualified.

§ 12. The judges of the several courts of this State shall hold their office for the term of six years; and the right of any judge to hold his office for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit or district, or in the mode or time of election; but for any wilful neglect of duty, or any other reasonable cause which shall not be a sufficient ground of impeachment, the Governor shall remove any judge on the address of two-thirds of each house of the General Assembly: *Provided*, That the cause or causes for which said removal may be required, shall be stated at length in such address, and entered on the journals of each house: *And provided further*, That the judge intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defense, before any vote for such address; and in all such cases the

vote shall be taken by yeas and nays, and be entered on the journal of each house respectively.

§ 13. A competent number of justices and constables shall be elected in and for each county by the qualified electors thereof, who shall hold office during such terms as may be prescribed by law. Said justices shall have jurisdiction in all civil cases wherein the amount in controversy does not exceed one hundred dollars. In all cases tried before such justices the right of appeal shall be secured by law: *Provided*, That notaries public appointed according to law shall be authorized and required to exercise throughout their respective counties all the powers and jurisdiction of justices of the peace.

§ 14. The Judges of the Supreme Court shall, by virtue of their offices, be conservators of the peace throughout the State; as also the Judges of the Circuit Courts within their respective circuits; and the judges of the inferior courts within their respective counties.

§ 15. The Clerk of the Supreme Court shall be appointed by the Judges thereof; Registers in Chancery, by the Chancellors of the Divisions; and all the Clerks and Registers so appointed shall be removed by the appointing power, for cause to be placed on the records of the court.

§ 16. The Attorney General shall reside at the seat of government, and shall be the law officer of the State. During the session of the General Assembly he shall furnish to the committees of either house, when required, drafts of bills and written opinions upon any matter under consideration of the committees, and shall perform such other duties as may be required of him by law.

§ 17. A Solicitor shall be elected in each county in this State by the qualified electors of such county, who shall reside in the county for which he is elected, and perform such duties as may be required of him by law. He shall hold office for a term of four years, and in case of vacancy, such vacancy shall be filled by the Judge of the Circuit until his successor is elected and qualified.

§ 18. Clerks of the Circuit Court, and such inferior courts as may be by law established, shall be elected by the qualified electors in each county, for the term of six years, and may be removed from office for cause, and in such manner as may be by law prescribed. Vacancies in the office of Clerk shall be filled by the Judge of the Court, until the next general election, and until a successor shall be elected and qualified: *Provided*, That the General Assembly shall have power

to annex the duties of Clerk to the office of Judge of any of the inferior courts by law established.

§ 19. The style of all processes shall be "*The State of Alabama*," and all prosecutions shall be carried on in the name and by the authority of the State of Alabama, and shall conclude "against the peace and dignity of the same."

ARTICLE VII.

ELECTIONS.

§ 1. In all elections by the people, the electors shall vote by ballot.

§ 2. Every male person, born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, twenty-one years old or upward, who shall have resided in this State six months next preceding the election, and three months in the county in which he offers to vote, except as hereinafter provided, shall be deemed an elector: *Provided*, That no soldier, or sailor, or marine in the military or naval service of the United States, shall hereafter acquire a residence by reason of being stationed on duty in this State.

§ 3. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors; but the following classes of persons shall not be permitted to register, vote or hold office: 1st. Those who, during the late rebellion, inflicted, or caused to be inflicted, any cruel or unusual punishment upon any soldier, sailor, marine, employee or citizen of the United States, or who, in any other way, violated the rules of civilized warfare. 2d. Those who may be disqualified from holding office by the proposed amendment to the Constitution of the United States, known as "Article XIV," and those who have been disqualified from registering to vote for delegates to the Convention to frame a Constitution for the State of Alabama, under the act of Congress "to provide for the more efficient government of the rebel States," passed by Congress, March 2, 1867, and the acts supplementary thereto, except such persons as aided in the reconstruction proposed by Congress, and accept the political equality of all men before the law: *Provided*, That the General Assembly shall have power to remove the disabilities incurred under this clause. 3d. Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office,

crime punishable by law with imprisonment in the penitentiary, or bribery. 4th. Those who are idiots or insane.

§ 4. All persons, before registering, must take and subscribe the following oath: 1. ———, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of Alabama; that I am not excluded from registering by any of the clauses in Sec. 2, Article VII, of the Constitution of the State of Alabama; that I will never countenance or aid in the secession of this State from the United States; that I accept the civil and political equality of all men; and agree not to attempt to deprive any person or persons, on account of race, color, or previous condition, of any political or civil right, privilege, or immunity, enjoyed by any other class of men; and furthermore, that I will not in any way injure, or countenance in others any attempt to injure, any person or persons, on account of past or present support of the government of the United States, the laws of the United States, or the principle of the political and civil equality of all men, or for affiliation with any political party.

§ 5. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same.

§ 6. It shall be the duty of the General Assembly to enact adequate laws giving protection against the evils arising from the use of intoxicating liquors at elections.

§ 7. Returns of elections for all civil officers elected by the people, who are to be commissioned by the Governor, and also for the members of the General Assembly, shall be made to the Secretary of State.

ARTICLE VIII.

REPRESENTATION.

§ 1. The House of Representatives shall consist of not more than one hundred members, who shall be apportioned by the General Assembly among the several counties of the State, according to the number of inhabitants in them respectively; and to this end the General Assembly shall cause an enumeration of all the inhabitants of the State to be made in the year 1875, and every ten years thereafter, and shall make an apportionment of the representatives among the several counties at the first regular session after each enumeration; which ap-

portionment, when made, shall not be subject to alteration until after the next census shall have been taken: *Provided*, That each county shall be entitled to at least one representative; *And provided, further*, That when two or more adjoining counties shall each have a residuum, or fraction over and above the ratio then fixed by law, which fractions, when added together, equal, or exceed that ratio, in that case the county having the largest fraction shall be entitled to one additional representative.

§ 2. Until the General Assembly shall make an apportionment of the representatives among the several counties, after the first enumeration made as herein provided, the counties of Autauga, Baldwin, Bibb, Blount, Butler, Calhoun, Clay, Clarke, Cherokee, Cleburne, Crenshaw, Choctaw, Coffee, Conecuh, Coosa, Covington, Dale, DeKalb, Elmore, Fayette, Henry, Jefferson, Lauderdale, Limestone, Marshall, Marion, Monroe, Morgan, Pike, Randolph, St. Clair, Shelby, Walker, Washington and Winston, shall have one representative each; the counties of Chambers, Franklin, Greene, Hale, Jackson, Lee, Lawrence, Macon, Pickens, Russell, Talladega, Talapoosa and Tuscaloosa, shall be entitled to two representatives each; the counties of Barbour, Bullock, Lowndes, Madison, Marengo, Perry, Sumter, and Wilcox, shall be entitled to three representatives each; the counties of Dallas, Mobile and Montgomery, shall be entitled to five representatives each; *Provided*, That in the formation of new counties the General Assembly may apportion to each its proper representation.

§ 3. The whole number of Senators shall be not less than *one-fourth* or more than *one-third* of the whole number of representatives; and it shall be the duty of the General Assembly, at its first session after the making of each enumeration, as provided by section first, of this article, to fix by law the number of Senators, and to divide the State into as many senatorial districts as there are Senators; which districts shall be as nearly equal to each other as may be in the number of inhabitants, and each shall be entitled to *one* Senator, and no more: *Provided*, That no county shall be divided, and no two or more counties, which are separated entirely by a county belonging to another district, shall be joined in one district; *And provided, further*, That the senatorial districts, when formed, shall not be changed until after the next enumeration shall have been taken.

§ 4. At the first general election after each new apportionment, elections shall be held anew in all the senatorial dis-

tricts. The Senators elected when convened at the next ensuing session of the General Assembly, shall be divided by lot into two classes, as nearly equal as may be ; the seats of the senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years, from the day of election, so that (except as above provided,) one-half of the senators may be chosen biennially.

§ 5. Until the General Assembly shall divide the State into senatorial districts as herein provided, the senatorial districts shall remain as follows : 1st District, Limestone and Lauderdale ; 2d, Franklin and Lawrence ; 3d, Morgan, Blount, Winston and Marion ; 4th, Madison ; 5th, Jackson Marshall and DeKalb ; 6th, Cherokee and Calhoun ; 7th, Walker Jefferson and St. Clair ; 8th, Shelby and Bibb ; 9th, Tuscaloosa and Fayette ; 10th, Talladega and Clay ; 11th, Chambers, Randolph and Cleburne ; 12th, Coosa and Tallapoosa ; 13th, Lee ; 14th, Macon ; 15th, Russell ; 16th, Bullock ; 17th, Barbour ; 18th, Autauga and Elmore ; 19th, Montgomery ; 20th, Lowndes ; 21st, Dallas ; 22d, Perry ; 23d, Hale ; 24th, Greene and Pickens ; 25th, Sumter ; 26th, Marengo ; 27th, Choctaw, Clark and Washington ; 28th, Mobile ; 29th Monroe and Baldwin ; 30th, Wilcox ; 31st, Butler and Connecuh ; 32d, Covington, Crenshaw and Pike ; 33d, Coffee, Dale and Henry.

§ 6. Until a new apportionment of representatives to the Congress of the United States shall have been made, the Congressional Districts shall remain as stated in the Revised Code of Alabama, and after each new apportionment, the General Assembly shall divide the State into as many districts as it is allowed representatives in Congress, making such Congressional Districts as nearly equal in the number of inhabitants as may be.

ARTICLE IX.

TAXATION.

§ 1. All taxes levied on property in this State, shall be assessed in exact proportion to the value of such property : *Provided, however,* That the General Assembly may levy a poll tax not to exceed one dollar and fifty cents on each poll, which shall be applied exclusively in aid of the public school fund.

§ 2. No power to levy taxes shall be delegated to individuals or private corporations.

ARTICLE X.

MILITIA.

§ 1. All able-bodied male inhabitants of this State, between the ages of eighteen years and forty-five years, who are citizens of the United States, or who have declared their intention to become citizens of the United States, shall be liable to military duty in the militia of this State; but all citizens of any denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be exempt therefrom upon such conditions as may be prescribed by law.

§ 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service, in such manner as it shall deem expedient, not incompatible with the laws of the United States.

§ 3. Officers of the militia shall be elected or appointed and commissioned in such manner as may be provided by the General Assembly.

§ 4. The Governor shall be commander-in-chief of the army and navy of this State, and of the militia, except when called into the service of the United States, and shall have power to call forth the militia to execute the laws, to suppress riots, or insurrections, and to repel invasion.

§ 5. The Governor shall nominate, and by and with the consent of the Senate, appoint one Major-General and three Brigadier-Generals: The Adjutant-General, and other staff-officers to the commander-in-chief, shall be appointed by the Governor, and their commissions shall expire with the Governor's term of service. No commissioned officer shall be removed from office, except by the Senate, on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial pursuant to law.

§ 6. The militia may be divided into two classes, to be designated as "volunteer militia" and "reserve militia," in such manner as shall be provided by law.

§ 7. The militia shall, in all cases, except felony, treason, or breach of the peace, be privileged from arrest during their attendance at musters and elections of officers, and in going to and returning from the same.

§ 8. The officers and men commissioned and organized, shall not be entitled to, or receive any pay, rations, or emoluments when not in active service.

ARTICLE XI.

EDUCATION.

§ 1. The common schools, and other educational institutions of the State, shall be under the management of a Board of Education, consisting of a Superintendent of Public Instruction and two members from each Congressional District.

The Governor of the State, shall be *ex-officio* a member of the Board, but shall have no vote in its proceedings.

§ 2. The Superintendent of Public Instruction shall be President of the Board of Education, and have the casting vote in case of a tie; he shall have the supervision of the public schools of the State, and perform such other duties as may be imposed upon him by the Board and the laws of the State. He shall be elected in the same manner and for the same term as the Governor of the State, and receive such salary as may be fixed by law. An office shall be assigned him in the capitol of the State.

§ 3. The members of the Board shall hold office for a term of four years, and until their successors shall be elected and qualified. After the first election under the Constitution, the Board shall be divided into two equal classes, so that each class shall consist of one member from each District. The seats of the first class shall be vacated at the expiration of two years from the day of election, so that one-half may be chosen biennially.

§ 4. The members of the Board of Education, except the Superintendent, shall be elected by the qualified electors of the Congressional Districts in which they are chosen, at the same time and in the same manner as the members of Congress.

§ 5. The Board of Education shall exercise full legislative powers in reference to the public educational institutions of the State, and its acts, when approved by the Governor, or when re-enacted by two-thirds of the Board, in case of his disapproval, shall have the force and effect of law, unless repealed by the General Assembly.

§ 6. It shall be the duty of the Board to establish, throughout the State, in each township, or other school district which it may have created, one or more schools at which all the children of the State, between the ages of five and twenty-one years, may attend free of charge.

§ 7. No rule or law affecting the general interest of education shall be made by the Board without the concurrence of a ma-

majority of its members. The style of all acts of the Board shall be, "Be it enacted by the Board of Education of the State of Alabama."

§ 8. The Board of Education shall be a body politic and corporate, by the name and style of the Board of Education of the State of Alabama. Said Board shall also be a Board of Regents of the State University, and when sitting as a Board of Regents of the University, shall have power to appoint the President and the Faculties thereof.

The President of the University shall be *ex officio* a member of the Board of Regents, but shall have no vote in its proceedings.

§ 9. The Board of Education shall meet annually at the seat of government at the same time as the General Assembly, but no session shall continue longer than twenty days, nor shall more than one session be held in the same year, unless authorized by the Governor. The members shall receive the same mileage and daily pay as the members of the General Assembly.

§ 10. The proceeds of all lands that have been or may be granted by the United States to the State for educational purposes; of the swamp lands; and of all lands or other property given by individuals or appropriated by the State for like purposes; and of all estates of deceased persons who have died without leaving a will or heir; and all moneys which may be paid as an equivalent for exemption from military duty, shall be and remain a perpetual fund, which may be increased but not diminished, and the interest and income which, together with the rents of all such lands as may remain unsold, and such other means, as the General Assembly may provide, shall be inviolably appropriated to educational purposes, and to no other purpose whatever.

§ 11. In addition to the amount accruing from the above sources, one-fifth of the aggregate annual revenue of the State shall be devoted exclusively to the maintenance of public schools.

§ 12. The General Assembly may give power to the authorities of the school districts to levy a poll tax on the inhabitants of the district in aid of the general school fund, and for no other purpose.

§ 13. The General Assembly shall levy a specific annual tax upon all railroad, navigation, banking, and insurance corporations, and upon all insurance and foreign bank and exchange agencies, and upon the profits of foreign bank bills issued in this State, by any corporation, partnership, or per-

sons, which shall be exclusively devoted to the maintenance of public schools.

§ 14. The General Assembly shall, as soon as practicable, provide for the establishment of an Agricultural College, and shall appropriate the two hundred and forty thousand acres of land donated to this State for the support of such a college, by the act of Congress, passed July 2, 1862, or the money or scrip, as the case may be, arising from the sale of said land, or any lands which may hereafter be granted, or appropriated for such purpose, for the support and maintenance of such college or schools, and may make the same a branch of the University of Alabama for instruction in agriculture, in the mechanic arts, and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University.

ARTICLE XII.

INDUSTRIAL RESOURCES.

§ 1. A Bureau of Industrial Resources shall be established, to be under the management of a Commissioner, who shall be elected at the first general election, and shall hold his office for the term of four years.

§ 2. The Commissioner of Industrial Resources shall collect and condense statistical information concerning the productive industries of the State; and shall make, or cause to be made, a careful, accurate and thorough report upon the agriculture and geology of the State, and annually report such additions as the progress of scientific development and extended explorations may require. He shall, from time to time, disseminate among the people of the State such knowledge as he may deem important, concerning improved machinery and production, and for the promotion of their agricultural, manufacturing, and mining interests; and shall send out to the people of the United States and foreign countries, such reports concerning the industrial resources of Alabama, as may best make known the advantages offered by the State to emigrants; and shall perform such other duties as the General Assembly may require.

§ 3. It shall be the duty of the General Assembly, at the first session after the adoption of this Constitution, to pass such laws and regulations as may be necessary for the government

and protection of this bureau, and also to fix and provide for the compensation of the commissioner.

§ 4. This bureau shall be located, and the commissioner shall reside at the capital of the State, and he shall annually make a written or printed report to the Governor of the State, to be laid before the General Assembly at each session.

§ 5. In case of the death, removal or resignation of the commissioner, the Governor, with the approval of the Senate, shall have power to appoint a commissioner for the unexpired term.

ARTICLE XIII.

CORPORATIONS.

§ 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes. All general laws and special acts passed pursuant to this section, may be altered, amended or repealed.

§ 2. Dues from corporations shall be secured by such individual liabilities of the corporators or other means as may be prescribed by law.

§ 3. Each stockholder in any corporation shall be liable to the amount of stock held or owned by him.

§ 4. The property of corporations now existing, or hereafter created, shall forever be subject to taxation, the same as property of individuals, except corporations for educational and charitable purposes.

§ 5. No right of way shall be appropriated to the use of any corporation, until full compensation therefor be first made in money or secured by a deposit of money to the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

§ 6. The General Assembly shall not have power to establish or incorporate any bank or banking company, or monied institution, for the purpose of issuing bills of credit or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

§ 7. No bank shall be established, otherwise than under a general banking law, as provided in the first section of this article.

§ 8. The General Assembly may enact a general banking law, which law shall provide for the registry and counter-signing by the Governor of the State, of all paper credit designed to be created as money ; and ample collateral security, convertible into specie, or the redemption of the same in gold or silver, shall be required, and such collateral security shall be under the control of such officer or officers as may be prescribed by law.

§ 9. All bills or notes issued as money, shall be, at all times, redeemable in gold or silver, and no law shall be passed, sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payment.

§ 10. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

§ 11. Every bank or banking company shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter close its business.

§ 12. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money.

§ 13. The State shall not be a stockholder in any bank, nor shall the credit of the State ever be given or lent to any banking company, association or corporation, except for the purpose of expediting the construction of railroads, or works of internal improvement, within this State, and the credit of the State shall, in no case, be given or lent without the approval of two-thirds of both houses of the General Assembly.

§ 15. All corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

§ 16. It shall be the duty of the General Assembly to provide for the organization of cities, and incorporated towns, and to restrict their power of taxation, assessment and contracting of debt.

ARTICLE XIV.

EXEMPTED PROPERTY.

§ 1. The personal property of any resident of this State to the value of one thousand dollars, to be selected by such resident, shall be exempted from sale on execution, or other final

process of any court, issued for the collection of any debt contracted after the adoption of this Constitution.

§ 2. Every homestead, not exceeding eighty acres of land, and the dwelling appurtenances thereon, to be selected by the owner thereof, and not in any town, city, or village, or in lieu thereof, at the option of the owner, any lot in the city, town or village, with the dwelling and appurtenances thereon, owned and occupied by any resident of this State, and not exceeding the value of two thousand dollars, shall be exempted from sale, on execution, or any other final process from a court, from any debt contracted after the adoption of this Constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage or other alienation of such homestead, by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife of the same.

§ 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debts contracted after the adoption of this Constitution, in all cases, during the minority of the children.

§ 4. The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

§ 5. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt, and the rents and profits thereof shall inure to her benefit.

§ 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may afterwards be entitled by gift, grant, inheritance, or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations, and engagements of her husband, and may be devised or bequeathed by her, the same as if she were a *femme sole*.

ARTICLE XV.

OATH OF OFFICE.

§ 1. All civil officers of this State, Legislative, Executive and Judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath :

“I, —, do solemnly swear (or affirm) that I am not disfranchised by the Constitution of Alabama, or by the Constitution or laws of the United States ; that I will honestly and faithfully support and defend the Constitution and laws of the United States, the union of the States, and the Constitution and laws of the State of Alabama, so long as I remain a citizen thereof ; and that I will honestly and faithfully discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God.”

ARTICLE XVI.

AMENDMENTS TO THE CONSTITUTION.

§ 1. The General Assembly, whenever two-thirds of each house shall deem it necessary, may propose amendments to this Constitution, which proposed amendments shall be duly published in print at least three months before the next general election of representatives, for the consideration of the people ; and it shall be the duty of the several returning officers at the next general election which shall be held for representatives, to open a poll for, and make a return to the Secretary of State for the time being, of the names of all those voting for representatives who have voted on such proposed amendments, and if thereupon it shall appear that a majority of all the citizens of the State voting for representatives have voted in favor of such proposed amendments, and two thirds of each house of the next General Assembly shall, after such an election, and before another, ratify the same amendments, by yeas and nays, they shall be valid to all intents and purposes, as part of the Constitution : Provided, That the said proposed amendments shall, at each of the said sessions, have been read three times on three several days in each house.

After the expiration of three months from the adoption of this Constitution, no Convention shall be held for the purpose of altering or amending the Constitution of this State, unless the question of Convention or no Convention shall be first sub-

mitted to a vote of all the electors, twenty-one years of age and upwards, and approved by a majority of the electors voting at said election.

E. W. PECK, President.

ROBERT BARBER, Secretary.

A. J. APPLEGATE,	THOMAS ADAMS,
W. A. AUSTIN,	B. ALEXANDER,
J. H. AUTREY,	D. H. BINGHAM,
W. T. BLACKFORD,	A. BINGHAM,
M. D. BRAINARD,	SAM. BLANDON,
W. M. BUCKLEY,	A. E. BUCK,
J. H. BURDICK,	C. W. BUCKLEY,
J. CARRAWAY,	P. BURTON,
J. COLLINS,	D. E. COON,
J. H. DAVIS,	THOMAS DIGGS,
G. J. DYKES,	GEORGE ELY,
P. FINDLEY,	S. S. GARDNER,
W. C. GARRISON,	O. GREGORY,
J. K. GREENE,	A. GRIFFIN,
J. M. HATCHER,	T. HAUGHEY,
C. HAYES,	B. INGE,
W. JOHNSON,	A. W. JONES,
C. JONES,	J. C. KEFFER,
S. F. KENNAMER,	TOM LEE,
D. LORE,	H. MCGOWN,
J. MAHAN,	J. W. MCLEOD,
B. O. MASTERSON,	J. J. MARTIN,
S. MOORE,	C. A. MILLER,
J. F. MORTON,	A. L. MORGAN,
T. M. PETERS,	B. W. NORRIS,
H. C. RUSSELL,	J. T. RAPIER,
J. SILSBY,	B. F. SAFFOLD,
L. R. SMITH,	WM. SKINNER,
H. J. SPRINGFIELD,	C. L. STEED,
J. P. STOW,	L. B. STRANGE,
W. A. WALKER,	C. O. WHITNEY,
J. R. WALKER,	J. W. WILHITE,
J. A. YORDY,	R. M. REYNOLDS,
N. D. STANWOOD,	G. P. PLOWMAN.

ACTS
OF THE
SESSION OF 1873,
OF THE
General Assembly of Alabama
AND OF THE
BOARD OF EDUCATION,
HELD IN THE
CITY OF MONTGOMERY,
COMMENCING NOVEMBER 17th, 1873.

DAVID P. LEWIS, Governor.
ALEX. McKINSTRY, Lieutenant-Governor and President of Senate.
LEWIS E. PARSONS, Speaker House of Representatives.

MONTGOMERY, ALA.:
ARTHUR BINGHAM, STATE PRINTER.
1874.

L A W S
OF THE
STATE OF ALABAMA.

No. 1.] AN ACT

To secure a more thorough assessment of the real property of the State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of each county, shall, at their first session after the passage of this act, provide for a plat of the county, unless one has been heretofore supplied, showing by section, township and range, all the land in their county; the sections shall be numbered with the numbers given in the United States Surveys, and such sections or parts of sections as belong to the United States shall be designated.

Commissioners' Court to procure a plat.

SEC. 2. *Be it further enacted*, That in making out a list of lands as required by section 38 of an act entitled an act to establish revenue laws for the State of Alabama, and approved December 31, 1868, and in addition to the duties therein imposed, the assessor shall perform the following, to-wit: first, the number of acres subject to taxation in each section of land shall be extended in figures; second, any subdivision of such section which belongs to the United States, or that may be otherwise exempt from taxation, shall be placed in a separate column and properly designated, and the whole number of acres in each section, thus exempt from taxation shall be extended; third, The number of acres in each section subject to taxation, shall be added to

Additional duties of Tax Assessor.

the number of acres in such section not subject to taxation, and the total number of acres extended in figures to a separate column.

Relative to reporting United States lands.

SEC. 3. *Be it further enacted*, That the assessor in performing the duties under the preceding section shall not report any lands as belonging to the United States, unless they are so designated by the plat of the county ; nor shall any lands be reported otherwise exempt from taxation, without he can show some law justifying the exemption.

List of lands to be carefully examined.

SEC. 4. *Be it further enacted*, That the court of county commissioners of the several counties in this State, shall, at their August term in each year, after all other business shall have been finished, proceed, with the assistance of the assessor, to carefully examine the list of lands provided for in section 2 of this act, and see that all the sections of lands in the county, together with the whole number of acres in each of such sections, are accounted for by said list, and that no lands are reported as exempt from taxation, without the same is authorized by section three of this act. If any error in the list should be discovered, the commissioners shall immediately notify the assessor of the same, who, thereupon, shall forthwith make all needful corrections.

Additional time may be taken for the examination.

SEC. 5. *Be it further enacted*, If, in the performance of the duties demanded by the preceding section, should require more than one day, the probate judge and one commissioner aided by the assessor, shall be competent to continue such examination and revision.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this bill, be, and the same are, hereby repealed.

Approved December 17, 1873.

No. 2.]

AN ACT

Relating to the term of office of the several tax collectors in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the several tax collectors in

this State who shall be elected on the first Tuesday after the first Monday in November, A. D. 1874, and every three years thereafter shall severally enter upon the discharge of their official duties on the second Monday in April next succeeding their election.

Term of Collectors elected in 1874 and afterwards.

Sec. 2. *Be it further enacted*, That the term of office of the several tax collectors of this State now in office shall continue until the second Monday in April, 1875; *Provided*, That such tax collectors shall execute bonds with sufficient securities in the form now prescribed by law for the faithful discharge of their duties as such during their respective terms of office as hereby extended, and that all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Term of present Collectors extended.

Bonds to be executed.

Approved December 17, 1873.

No. 3.]

AN ACT

To prevent tax collectors and all others engaged in collecting the revenues of the State, from buying, selling, or otherwise trading in State warrants or State certificates or other securities of the State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That thirty days from and after the passage of this act, it shall be unlawful for any tax collector or deputy tax collector of any of the counties of this State or any Probate Judges in any of the counties of this State, or any other person whose duty it is by law to collect any of the revenue of this State, to buy, sell or otherwise trade in State warrants, certificates or other securities of the State.

Unlawful for Collectors, &c., to trade in warrants, State certificates, &c.

SEC 2. *Be it further enacted*, That each of the tax collectors of the several counties of this State shall provide themselves with a receipt book known, as a stub receipt book, in which he shall enter on the stub the name of the tax payer, the amount of the taxes paid, whether in State warrants, State certificates, United States currency, gold or silver, or what part of each may have been paid, and the receipt given the tax payer shall correspond in num-

Stub books to be provided by Collectors.

ber and description with said stub or duplicate and shall be an exact copy of the same, which said receipt book, when said tax collector shall have completed his collections and made his settlements, shall be filed in the office of the Probate Judge of his county as a record of said court for the inspection of the public, and shall be used as evidence in all the courts of this State as other records in any prosecution against any one of the tax collectors of this State or their deputies or other officers whose duty it is to collect the taxes, said stub or receipt book to be furnished and paid for by the counties as other stationery is furnished and paid for.

Tax Collectors
to settle monthly
with County
Treasurer.

SEC. 3. *Be it further enacted*, That the several tax collectors be and they are hereby required to settle at the end of each month or within five days thereafter with the county treasurer of their county, and shall at the time of such settlements make out and file with the Probate Judge of each county a statement in writing setting forth in the aggregate the amount of taxes collected by him during the past month, and how much of it was in United States currency and how much in State warrants, how much in State certificates, and how much in gold or silver or other circulating medium recognized by the State, which said statement shall be in duplicate, one to be filed in the office of the Probate Judge, the other to be by said judge forwarded to the State Auditor of public accounts and by him filed in his office, and that each of said statements or reports shall be sworn to before any officer authorized by law to administer oaths in this State, and in addition to the affirmation of the correctness of said reports he shall make oath that the same is the identical moneys, warrants or certificates received for taxes, and that he has in no instance exchanged one for the other, except as hereinafter provided. *Provided*, that nothing in this act shall be construed so as to repeal, modify, or affect in anywise whatever, an act entitled an act to keep in each county of this State a proportionate share of the public school money, approved April nineteenth, one thousand eight hundred and seventy-three, and the same is hereby declared to remain in full force and power.

Proviso.

SEC. 4. *Be it further enacted*, That the provisions

of this act shall not be so construed as to prevent tax collectors from making change when the tax payer shall present a bill larger than the amount of his taxes; *Provided*, that the tax collector shall return the change in the same kind of funds as that presented by tax payers and in no case shall it be lawful for tax collectors, when tax payers shall pay their tax in State warrants, State certificates, or other obligations of the State, to return the excess of the amount presented over their taxes in the United States currency.

Tax Collectors not prevented from making change.

SEC. 5. *Be it further enacted*, That the county treasurer of each county shall make out and give to the probate judge of each county a certified statement of the amount of taxes they have collected on account of licenses, which statement shall set forth what part was collected in United States currency, what part in State certificates, what part in specie, and what part in State warrants or other obligations of the State.

County Treasurer to make out a certified statement.

Said statement shall be in duplicate, one of which shall be filed in the office of the probate judge, and the other by said judge forwarded to the Auditor of the State to be filed in his office, and the county treasurer is hereby required to pay in the exact funds received, except what has passed out of their hands in making change as provided for in the preceding section of this act.

Statement to be in duplicate.

County Treasurer to pay in the exact fund received.

SEC. 6. *Be it further enacted*, That it shall be the duty of the tax collectors of the different counties of this State to require the tax payers to endorse upon the back of the warrants received by them in payment of State taxes, the name or names of the person or persons from whom received, and the amount of State tax of each person paid with said warrants.

Tax payers to make a certain endorsement on warrants.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Auditor of the State to keep a book in which he shall make an entry of the amount of taxes received from each county and from whom received, and it shall be so itemized as to show the the exact amount of which was in warrants, certificates, currency and specie, and it shall also be the duty of the Auditor to embrace in his annual report entries made in said book, which said report must

Auditor to keep a certain book.

be made within ten days after the convening of the legislature.

SEC. 8. *Be it further enacted*, That any person or persons violating any of the provisions of this act shall be guilty of a felony and upon conviction shall be confined in the penitentiary of the State for not less than one year nor for more than five years, and in addition thereto shall be fined not less than fifty dollars, nor more than one thousand dollars, one or both, at the discretion of the court trying the same. The solicitor shall have a fee for the conviction of any person of a violation of any of the provisions of this act of twenty-five dollars, to be paid as solicitors fees are now paid in other cases.

SEC. 9. *Be it further enacted*, That the Auditor be required to furnish each tax collector with a printed copy of this act.

Approved Dec. 17, 1873.

No. 4.]

AN ACT

To provide for the redemption of lands sold for taxes, and purchased by the State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all cases where lands have been sold for taxes and purchased by the State since the 20th of September, 1865, the persons to whom such lands belong shall be allowed to redeem the same at any time within two years from the passage and approval of this act by complying with the laws now in force in regard to the redemption of lands sold for taxes and purchased by the State.

Approved December 17, 1873.

No. 5.]

AN ACT

To provide for the funding of the Domestic debt of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Governor of the State

be, and he is hereby, authorized to cause to be prepared and issued the obligations of the State, to an amount not exceeding in the aggregate one million of dollars. Said obligations may be issued for sums of \$10, \$20, \$50 and \$100, as may be found most convenient for the purposes herein expressed. They shall be numbered and registered in a proper book to be kept by the Auditor in his office. They shall, before being issued by the Auditor, as hereinafter directed, be, by him, made payable to the person to whom issued or bearer; and may thereafter be negotiated and passed by delivery. They shall be made payable at the treasury of the State, in ten years after date, or sooner at the pleasure of the State. They shall be signed by the Governor and countersigned by the Auditor. They shall bear interest at the rate of eight per centum per annum, payable semi-annually, and be free from all taxation, whether for State, county or municipal purposes. They shall be printed or engraved on suitable paper, and with appropriate devices, as may be directed by the Governor. These obligations shall be receivable at their par value when offered, for all dues, taxes and imposts assessed or levied for the use of the State, and for all fines and forfeitures assessed against defendants, in any of the courts of this State, and tax collectors and others whose duty it is to receive said obligations in payment of taxes shall not count interest on said obligations beyond the time said taxes are due in that year.

Governor authorized to issue obligations of the State.

Denomination.

Duty of Auditor

Where payable

How signed.

Rate of interest

For what receivable.

SEC. 2. *Be it further enacted*, That all warrants or orders by the Auditor upon the Treasurer of the State, issued upon the authority of any law of this State, and outstanding and unpaid on the first day of January, 1874, may be exchanged for the obligations of the State authorized by the first section of this act. All certificates for the payment of money heretofore issued by the State under the laws thereof, and outstanding on the first day of January, 1874, may also be exchanged for the obligations of the State herein provided for. Such exchange shall be made dollar for dollar; that is to say, for the sum expressed on warrants or certificates exchanged, the holder shall receive an equivalent amount expressed as the principal sum in these obligations;

What may be exchanged for the obligations

How such exchange to be made.

Limitation as
to interest.

Provided, the exchange be made within thirty days of the date of the notice hereinafter required to be given by proclamation of the Governor. If the exchange of any warrant or certificate be made at a time later than said thirty days, said obligation issued therefor shall bear interest only from the date of the exchange, which date shall be stamped or written on the face of said obligation. The said obligations shall be so prepared that the semi-annual interest on the whole of them shall be payable on the same day.

Auditor to receive the obligations from the Governor.

SEC. 3. *Be it further enacted*, That the Auditor of the State shall receive from the Governor all the obligations herein authorized, as soon as they are prepared and ready for use as herein directed, and shall execute in writing his receipt to the Governor for the documents so received by him, specifying therein by numbers and amount all and every of the same so delivered to him. This receipt shall be executed in duplicate; one of said duplicates shall be filed in the office of the Governor and the other in the office of the Treasurer, to be carefully preserved by them among the records of their respective offices.

Auditor to keep a record.

Further duties of the Auditor.

SEC. 4. *Be it further enacted*, That the Auditor shall keep a record of the warrants and certificates received by him under this act, and shall promptly pay into the treasury all moneys received by him under the terms of this act, taking receipts therefor from the Treasurer in the book in which said warrants and certificates are hereby required to be recorded. Said Auditor shall, at every period of succeeding thirty days after receipt by him from the Governor of the obligations herein authorized as provided in the third section of this act, deliver to the Treasurer all warrants and certificates received and exchanged by him for obligations under this act; and shall take from the Treasurer duplicate receipts therefor, describing the warrants and certificates so delivered to him; one of these receipts shall be written in the book containing the record of the warrants and certificates hereinbefore required to be kept. But before delivering to said Treasurer said warrants and certificates, said Auditor shall cause each of them to be cancelled, by cutting them through

their face in the form of a cross. Said Auditor shall, within five days after every delivery to the Treasurer above required, make report to the Governor, in writing, specifying in particular the warrants and certificates by him delivered, and the money by him paid to the Treasurer, as required by this act; and shall at the same time deliver to the Governor, for preservation in his office, the duplicate receipt herein required to be taken from the Treasurer. The Auditor shall, in his annual report, make a full statement and exhibit of all that he may have done under the provisions of this act.

SEC. 5. *Be it further enacted*, That the Treasurer shall make and keep in his office a full record of all warrants, certificates and money by him received from the Auditor under this act; and shall, within five days after receiving such warrants, certificates or money from the Auditor under this act, make full and particular report thereof in writing to the Governor, for safe keeping and preservation in his office. And it shall be the duty of the Governor, at the time he communicates his annual message to the next General Assembly, with it to furnish a condensed statement of the reports received by him from the Auditor and Treasurer, as required by this act. And it is hereby declared, that the record and registries required by this act to be kept by said Auditor and Treasurer, shall always be open to inspection and verification by the Governor, and by any officer or agent by him appointed for that purpose.

State Treasurer
to keep a re-
cord.

Duty of Gov-
ernor to furnish
a condensed
statement.

SEC. 6. *Be it further enacted*, That the Auditor is hereby authorized, upon the application of any person, to exchange for currency of the United States, such of said obligations herein authorized as may remain in his hands unexchanged, for warrants upon the treasury, and for State certificates of indebtedness, after the expiration of six months from the proclamation of the Governor herein authorized; and said Auditor shall pay all such currency as he may receive hereunder to the Treasurer, subject to the same conditions, directions and duties, as are declared in section 4 of this act.

Authority and
duty of Auditor
in exchanging
for currency of
the United
States.

SEC. 7. *Be it further enacted*, That when the obligations herein provided for are placed in the hands of the Auditor ready for exchange, as herein di-

Governor to
make proclama-
tion.

rected, the Governor shall, by proclamation published for the space of one week, in some newspaper published in each of the cities of Mobile, Montgomery, Huntsville, and Tuskaloosa, notify the citizens of the State that such as desire to avail themselves of the terms of this act may do so, and effect the exchange of treasury warrants and State certificates held by them for the interest-bearing obligations of the State as herein provided.

Relative to the
interest on the
obligations.

SEC. 8. *Be it further enacted*, That the obligations authorized by the first section of this act shall not be prepared with coupons attached, but on their face shall declare that interest thereon will be paid semi-annually; and it shall be the duty of the Governor to arrange for payment of such interest at the times appointed, with some bank or banking house in the cities of Mobile, Montgomery, Huntsville, Selma, Tuskaloosa, Eufaula, Talladega, Birmingham and Opelika. If said obligations are not presented for payment of interest within fifteen days of the time fixed for payment thereof, the instalment of interest then due shall be postponed to the time fixed for the next semi-annual payment of interest, and the money provided for such interest shall be returned to the treasury. Each payment of interest on said obligations shall be certified by proper receipts and by endorsement thereof on such obligations, by the officer or agent paying the same, in writing, or by impression in print, by stamp of such device as the Governor shall direct and provide; and in all cases when such obligations are delivered from the treasury, the date from which interest is to run shall be plainly stated in writing or by stamp on the face of said obligation. and the Treasurer shall keep a record, by their numbers and the amount severally expressed therein, of all such obligations so delivered from the treasury.

Tax Collectors
prohibited af-
ter 1st January,
1874, from re-
ceiving State
warrants.

SEC. 9. *Be it further enacted*, That from and after the first day of January, 1874, it shall not be lawful for any tax collector of this State, nor for any person who by law is authorized to collect and receive any part of the State revenue, to receive in payment of the taxes, or for licenses, or any of the public dues, with whose collection he is by law charged, any warrant or warrants of the Auditor on

the Treasurer, or any order on the Treasurer whatever; and from and after said date, it shall not be lawful for the Treasurer of the State to receive from any person, in settlement of any debt due the State, or of any claim of any kind, which the State may have against such person, or any other person whatever, any warrant or order on the Treasurer, which shall be issued on or after said date.

State Treasurer not to receive from Tax Collectors warrants issued after 1st January, 1874.

SEC. 10. *Be it further enacted*, That in all payments to the Treasurer by collectors of taxes, and by any and all persons authorized by law to collect and receive any part of the State revenue after the said first day of January, 1874, of moneys ascertained to be due to the State from them, or any of them, the Treasurer shall require of each such person an affidavit in writing, made and sworn to before some officer authorized to administer oaths, that such warrant or warrants, order or orders, on the Treasurer, as may be by him tendered in payment of the debt, demand, claim or account he proposes to pay, were paid to and received by him, in good faith, in payment of taxes or public dues, from the person liable for such taxes or public dues, on a day prior to said first day of January, 1874; and if such affidavit be not made, the Treasurer shall not receive the warrant or warrants, order or orders so tendered to him in payment.

After 1st January, 1874, State Treasurer to require an affidavit from Tax Collectors, &c.

SEC. 11. *Be it further enacted*, That from and after ten days after the approval by the Governor of this act, all persons who pay their taxes, licenses, or any public dues, which by law they are liable to pay, in whole or in part, to any collector of taxes, or to any person authorized by law to receive such taxes or public dues of any kind, with any warrant or warrants, order or orders on the Treasurer of the State, shall endorse on the warrant or warrants, order or orders so proposed to be used in payment of such taxes, licenses, or public dues, the dates of such payment, and the name of the officer to whom such payment and delivery of such warrant or warrants, order or orders, is made; and without such endorsement, such warrant or warrants shall not be received by the Treasurer of the State from any person charged with payment of money into the treasury of the State.

Endorsement required of tax payers on warrants.

SEC. 12. *Be it further enacted*, That any person who shall make false oath in the matter required in the 10th section of this act, shall be guilty of perjury, and on conviction thereof be punished as prescribed by law against persons guilty of the crime of perjury.

Penalty for
false oath.

SEC. 13. *Be it further enacted*, That from and after the 31st of December, 1873, it shall not be lawful for the Treasurer of the State to pay out, in any manner, or for any purpose to issue or deliver to any person any State certificates that have heretofore been authorized, which may on that day be in the treasury of the State; and it is hereby made the duty of the Treasurer and Auditor of the State on the said 31st day of December, 1873, or within three days thereafter, to make a careful account of all the said State certificates then in the treasury of the State, and make an accurate descriptive list thereof, in triplicate, and which shall be certified by the signatures of said officers. One of said lists shall be filed and preserved among the records of the office of the Treasurer, another among the records of the Auditor, and the third shall be delivered to the Governor to be kept and preserved among the records of his office; and thereupon the said Auditor and Treasurer shall, in the presence of the Governor, proceed and burn, and so totally destroy all the said State certificates so found at the date above named in the said treasury of this State; a certificate of the destruction of said State certificates shall be by said officers endorsed upon the said lists hereinbefore required to be made.

State Treasurer
prohibited af-
ter 31st Dec'r,
1873, from pay-
ing out State
certificates.

State certifi-
cates to be des-
troyed.

Tax Collectors
and other re-
ceivers to pay
over the identi-
cal money re-
ceived.

SEC. 14. *Be it further enacted*, That it shall be the duty of every collector of taxes, and of every receiver of public moneys in this State, to keep and faithfully pay into the treasury, or to the depository appointed by law for the keeping of the public money, the identical money received by him or them from the tax payer or tax payers; and it is hereby made unlawful for any person or officer of this State to use or apply any portion of the money paid him in the course of his official duty, as collector of taxes, or receiver of any part of the State revenue, to any other use or purpose than payment into the treasury, in the manner and form in which such

money was so received by him. And when any collector of taxes in this State, or any person who is by law authorized to collect and receive any part of the State revenue, receives in payment of any taxes, licenses or public dues, any of the obligations issued under the authority of this act, he shall, in a proper book, make an entry of the obligations received by him, and the date of such receipt, which date and entry shall correspond with the date of the receipt given to the payer of the taxes from whom such obligation was received; and such collector of taxes or receiver of the State revenue shall produce said book to the Auditor of the State at the time when his account is audited and adjusted, in default of which entry, or production of said book, such obligation or obligations shall be received by the Treasurer for the amount only of the principal thereof, without interest. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction be punished by a fine not exceeding one thousand dollars, and by confinement at hard labor for the county not exceeding six months, one or both, at the discretion of the court trying the same.

They must keep a certain record book.

Penalty for violation.

SEC. 15. *Be it further enacted*, That from and after the first day of January, 1874, it shall be the duty of the Auditor to examine and pass upon all claims presented against the State, and directed by law to be paid out of the treasury; and if found to be correct, to certify to their correctness by marking the same "correct;" and shall in red ink attach his signature thereto on the face of the allowed claims, and shall cause all such allowed claims to be filed in his office, in the order of their presentation, and in that order shall issue his warrants on the Treasurer to the holder of said allowed claims for their payment; but he shall not issue any warrant on the Treasurer therefor unless there is at the time in the treasury funds which can be applied to the payment thereof; and no payments shall be made by the Treasurer, except upon warrant of the Auditor, as now directed by law. Warrants on the Treasurer shall be paid only at the treasury of the State, and shall be paid in the order in which they are presented: *Provided*, That any public creditor may, if

Duty of Auditor as to claims presented after 1st January, '74

Provision.

he elect, receive payment of his claim on the warrant of the Auditor so expressed in the obligations herein authorized, if such be then in the State treasury: *Provided further*, That this act shall not be construed to authorize the auditing and payment of any claims growing out of the railroad debt of the State: *Provided also*, That no part of the certificates or bonds provided for by this act shall be used in liquidation of interest accruing on any railroad obligations in this State.

Warrants after the passage of this act to be registered by the State Treasurer.

SEC. 16. *Be it further enacted*, That from and after the passage of this act, warrants on the Treasurer other than those paid into the treasury by officers or persons charged with the collection of taxes and which they have taken and received from payers of taxes in the course of the official duty of said officers in the manner authorized by this act, shall be registered by the Treasurer as they are presented, and shall be paid by the Treasurer in the order of their registration from any money in the treasury not otherwise specifically appropriated.

Sinking fund provided for.

SEC. 17. *Be it further enacted*, That the sum of one hundred thousand dollars out of the moneys first received into the treasury in the legal currency of the United States, after the first day of January, 1874, and after the first day of January in every year thereafter, till the obligations herein authorized shall be retired, is hereby specifically appropriated as a sinking fund, and the same shall, under the direction of the Governor, be so invested and applied as first to pay the semi-annual interest upon the obligations hereinbefore authorized to be issued as the same falls due, and the remainder securely invested or otherwise applied so as to be available and productive as a sinking fund for the redemption of said obligations at their maturity, or otherwise retiring the same as early as means of the State will permit, and for the payment and redemption of said obligations at maturity thereof, and the prompt payment of interest accruing thereon, the faith and revenue of the State are hereby pledged.

Coupon bonds to be exchanged for the obligations issued under this act.

SEC. 18. *Be it further enacted*, That whenever any person shall present to the Auditor of the State obligations of the State, as herein authorized, to the amount of one thousand dollars, he shall be entitled

to receive therefor a coupon bond of the State for the sum of one thousand dollars, bearing interest at the rate of six per centum per annum, payable semi-annually at the treasury of the State, and having thirty years to run before maturity. These bonds shall all bear date the 1st day of January, 1874, and be payable in gold, both principal and interest, at the treasury of the State. They shall be under the seal of the State, signed by the Governor and countersigned by the Auditor. They shall be carefully numbered and registered in a proper book in the office of the Auditor. The Governor is hereby authorized to have the requisite number of bonds suitably prepared to meet the provisions of this section, and kept in his office until required to be issued; but they shall not, however, be signed or sealed until the exchange herein authorized is demanded. A record of all bonds issued and of all obligations received under this section shall be kept in the office of the Auditor, and be reported to the Governor as required herein about the exchange of treasury warrants and State certificates for obligations; and all obligations received by the Auditor under this section shall be by him cancelled and delivered to the Treasurer in the manner and form herein in the fourth section provided for cancellation and delivery to the Treasurer of warrants on the Treasurer and State certificates. But in the exchange of bonds for obligations in this section authorized, the Auditor shall cut from the bonds, and destroy, all such interest coupons as by their terms have matured before such exchange is made; and shall also see that the interest as between obligations and bonds is equalized in such exchange, and that no part of the interest due or maturing on such obligations is converted into the principal of the bond or bonds exchanged for such obligations.

How prepared.
Numbered and
registered.

Record of the
same.

All matured
coupons to be
cut off.

SEC. 19. *Be it further enacted*, That the sum of five thousand dollars, out of any moneys in the treasury not otherwise appropriated, is hereby placed at the disposal of the Governor for the purpose of carrying into effect the provisions of this act, to be by him accounted for with the treasury, as the disbursement of other public money is by law accounted for.

Appropriation
to carry this act
into effect.

Repealing section.
 SEC. 20. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved December 19, 1873.

No. 6.]

AN ACT

To codify and revise the statute laws of Alabama of a general and public nature.

Governor to appoint three commissioners
 SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Governor be, and he is hereby authorized to appoint three commissioners to codify and revise the statute laws of the State of Alabama of a general and public nature.

Limitation on the commissioners as to the present Code.
 SEC. 2. *Be it further enacted*, That the commissioners shall not change the arrangement of the present Code, nor the number of its sections, nor the substance or meaning of any of its provisions; nor the substance or meaning of any statute to be included therein; but they may change their phraseology where it is inaccurate, redundant, or lacks clearness or precision.

Directions for the commissioners.
 SEC. 3. *Be it further enacted*, That the said commissioners shall include in said Revised Code all the public statutes of a general nature, passed by the General Assembly, which have not been repealed, and which are not contained in the Revised Code of 1867, by condensing them into proper sections and placing them in such parts and chapters of the present Code as they shall appropriately belong to, designating or numbering the sections into which they shall be formed in such a manner as not to change the number of sections of the present Code. They shall also prefix to each section an *italic* line showing the subject-matter of the section; and add marginal references to the Session Acts of the General Assembly in which the new statutes may be formed, stating also the time when passed.

What must be omitted.
 SEC. 4. *Be it further enacted*, That the said commissioners shall omit from the body of the said Revised Code all the sections of the present Code, and all the statutes passed since its adoption, which have

been repealed by the General Assembly, or which the Supreme Court has decided to be unconstitutional ; but they must refer to them in appropriate foot-notes, as having been repealed, or declared to be unconstitutional ; and in all cases where any section has been construed by the Supreme Court, the said commissioners must make a reference to the decision in an appropriate foot-note.

SEC. 5. *Be it further enacted*, That the said commissioners shall prepare a copious and complete index to the said Revised Code, making each subject in such index as full and complete as practicable, and referring directly to sections and pages which have no sections. Index to be prepared.

SEC. 6. *Be it further enacted*, That the said commissioners shall put, as appendices to the said Revised Code, the Articles of Confederation, the Declaration of Independence, the Constitution of the United States and all amendments thereof, the Ordinance of 1787, the Act for the Government of the Mississippi Territory, the Act for the admission of Alabama into the Union, the Acts of Congress included in the present Code, and all the Rules of Practice in the Supreme, Chancery, and Common Law Courts, which have been adopted by the Supreme Court, and remain in force, and the several Constitutions of the State ; which are or have been in force in this State, with the amendments thereto, and the date of their going into effect. Appendices.

SEC. 7. *Be it further enacted*, That when the said commissioners shall complete said Revised Code, in the manner herein provided, they shall deliver the same to the Governor of this State, accompanied with a report pointing out specifically every change in, and addition to, the present Code, so that it may be seen by the next General Assembly, whether the changes and additions are proper or not ; and they may recommend to the General Assembly, for their consideration, such changes in, and additions to, the said Revised Code, as shall not be included therein, but seem to them to be for the public good. Revised Code to be delivered to the Governor

SEC. 8. *Be it further enacted*, That when said Revised Code shall be delivered to the Governor, as herein provided, it shall be his duty carefully to examine the same, to report it, together with the report Duty of the Governor.

Governor to
recommend the
compensation.

of said commissioners, to the next General Assembly with such suggestions in regard to its adoption, rejection, or amendment, as he shall deem proper, and to recommend to the next General Assembly the amount of compensation, that should be paid to the said commissioners for their services in the preparation thereof.

General Assembly to provide
compensation.

SEC. 9. *Be it further enacted*, That the said commissioners shall receive such compensation from the State, for their services in the preparation of the said Revised Code, as the General Assembly shall hereafter provide.

Vacancy among
the commis-
sioners; how
filled.

SEC. 10. *Be it further enacted*, That in case any of said commissioners shall die, resign his office, or become unable to execute the duties hereby required of them, the Governor of the State shall appoint a suitable person in his place, and such person, when so appointed, shall have all the powers and rights of the said commissioners, and be subject to all the duties required of him.

Approved December 17, 1873.

No. 7.]

AN ACT

To authorize executors, administrators, guardians, and trustees to make investments in bonds, obligations and securities of the United States, and of the State of Alabama.

Authority given
to invest in the
interest bear-
ing bonds.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be lawful for executors, administrators, guardians, or trustees, who may have money in their hands to be invested, or loaned, to invest the same in the purchase of interest-bearing bonds, obligations, or securities of the State of Alabama, issued after the passage of this act, or of interest-bearing notes or bonds of the United States; and such executors, administrators, guardians, or trustees, shall be credited in their settlements with the amount actually, *bona fide*, paid for the bonds, obligations or securities so purchased; *Provided*, It shall be made to appear to the court having jurisdiction over such settlements, that such purchases were

Proviso.

made for the amount actually and *bona fide* paid, and not greater than the market value of such bonds, obligations, or securities, at the time of their purchase.

SEC. 2. *Be it further enacted*, That all laws or parts of laws contrary to the provisions of this act are hereby repealed.

Approved December 15, 1873.

No. 8.]

AN ACT

To amend section four of an act entitled "an act to regulate property exempt from sale for the payment of debts," approved April 23, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section four of an act to regulate property exempt from sale for the payment of debts, which said section is in words and figures, as follows, to wit :

SEC. 4. *Be it further enacted*, That this act shall Recitation. not be so construed as to prevent a laborer's lien for work done and performed for the person claiming an exemption, nor a mechanic's lien for work done on the premises, the exemption authorized by this act shall not extend to any deed or mortgage lawfully obtained, but no mortgage or other alienation of any homestead exempted by this act by the owner thereof, if a married man, shall be valid without the voluntary signature and assent of his wife, which voluntary signature and assent must be shown by the examination of the wife separate and apart from the husband touching the same, had before a circuit or supreme court judge, chancellor or judge of probate, and must be certified to in writing, endorsed upon such mortgage by such judge or chancellor in the following form: State of Alabama, county of ——. I, Judge (or chancellor, as the case may be), do hereby certify that on the — day of —, 18—, came before me the within named —, known or made known to me to be the wife of the within named, who, being by me examined separate and apart from her husband touching her signature

to the within, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or persuasion of her husband. In witness whereof I hereunto set my hand this — day of —, 18—. A. B—, Judge or Chancellor, be so amended as to read as follows, to wit :

Amended section.
How not to be construed.

SEC. 4. *Be it further enacted*, That this act shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming an exemption, nor a mechanic's lien for work done on the premises, the exemption authorized by this act shall not extend to any deed or mortgage lawfully obtained, but no mortgage or other alienation of any homestead exempted by this act by the owner thereof, if a married man, shall be valid without the voluntary signature and assent of his wife, which voluntary signature and assent must be shown by the examination of the wife separate and apart from the husband, touching the same, had before a circuit or supreme court judge, chancellor, judge of probate, notary public or justice of the peace, and must be certified to in writing endorsed upon such mortgage, by such judge, chancellor, notary public or justice of the peace, in the following form : State of Alabama, County of —. I, Judge, (chancellor, notary public or justice of the peace, as the case may be), hereby certify that on the — day of —, 18—, came before me the within named —, known or made known to me to be the wife of the within named —, who, being by me examined separate and apart from her husband touching the signature to the within —, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or persuasion of her husband. In witness whereof I hereunto set my hand this — day —, 18—. A B, Judge, Chancellor, Notary Public, or Justice of the Peace.

Approved Dec. 13th, 1873.

No. 9.]

AN ACT

To authorize the Secretary of State to employ temporary clerks in his office, and for the payment of certain clerical services heretofore rendered.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Secretary of State is hereby authorized to employ temporary clerks in his office in the manner prescribed in section 73 of the Revised Code of Alabama.

SEC. 2. *Be it further enacted*, That the temporary clerks employed by the Secretary of State are entitled to the Auditor's warrant on the State Treasurer for the respective amounts due them for the services rendered, upon presentation to the Auditor of State of stated accounts, certified by the late Secretary of State or his successor in office in the manner prescribed by section 73 of the Revised Code.

Approved December 12, 1873.

No. 10.]

AN ACT

In relation to the victualing of prisoners in jail.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the sheriffs of the different counties of this State shall be allowed forty cents per day for victualing each prisoner in the jail, the amount to be paid as now prescribed by law. Only forty cents per day hereafter.

SEC. 2. *Be it further enacted*, That all laws and parts of laws, general or special, contravening the provisions of this act be and the same are hereby repealed.

Approved December 17, 1873.

No. 11.]

AN ACT

To regulate the confinement and discharge of persons charged with misdemeanor.

Parties arrested for misdemeanors to be discharged.

Failure to attend trial, a felony.

Rearrested for misdemeanor or to give bond.

Punishment.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person who is arrested charged with a misdemeanor, and is held to answer the same, or who is arrested by virtue of a capias or an indictment for a misdemeanor, shall be discharged by the committing magistrate, or officer making the arrest under a capias, on his own recognizance, without security ; and if such person so discharged shall wilfully fail to attend and answer such charge, as required by law, he shall be guilty of a felony, and on indictment and conviction shall be confined in the Penitentiary not less than one nor more than two years ; *Provided*, That any person who is discharged under the provisions of this act, who shall be arrested during the period of such release from custody, charged with another misdemeanor, committed after such release, shall not be discharged without giving bond and security as now required by law ; and such person, if convicted on the trial of the said second offense, shall be punished by imprisonment in the Penitentiary not less than one year nor more than two years ; that any person discharged by an officer of the law under the provisions of this act, upon his own recognizance, shall be informed by said officer of the penalty attaching upon his failure to appear on trial, and the duty of giving this information is hereby made a part of the duty of the sheriff or other officer under his official oath.

Approved December 17, 1873.

No. 12.]

AN ACT

To constitute the purchasers of any railroad hereafter sold under authority of any law of this State a body corporate and politic.

SECTION 1. *Be it enacted by the General As-*

sembly of Alabama, That in each and every case in which any railroad may hereafter be sold by the State of Alabama, or by any commission, officer or agent of said State, or under any proceeding, judicial or otherwise authorized by law, the purchasers at any such sale may constitute themselves into a body politic and corporate, and shall have and possess all the powers and franchises which belonged to the company or corporation originally owning the railroad so purchased, including the power to purchase and hold real estate and the franchise to be and exist as a corporation under such name as the purchasers may select and adopt, and the board of directors of such new corporation shall have power to issue bonds and also certificates of preferred and common stock to such an amount and with such powers as to voting in the management of the affairs of the company as said board may determine, and to lease, sell or mortgage all or any part of the franchises or property of such corporation including the franchise to be or exist as a corporation, and to prescribe the form of such bonds and certificates and the rates of interest not exceeding the legal rate and dividends of the same.

Approved December 17, 1873.

No. 13.]

AN ACT

To regulate the trial of attachment cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all attachment cases shall stand for the trial at the first term after the issuance of the attachment if the levy is made and notice thereof given twenty days before the commencement of the term of the court to which such attachment is returnable: *Provided*, That if the attachment is issued on the ground that the defendant is a non-resident the case shall not stand for trial until after publication has been made as is now required by law, unless such absent defendant appear and plead in bar, *And provided further*, That if the attachment is issued upon a demand not due when it is is-

When such cases stand for trial at the first term.

Provide.

sued, the case shall not stand for trial until such demand is due.

This act not applicable to justices' court.

SEC. 2. *Be it further enacted*, That this act shall not apply to the courts of justices of the peace.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved December 17, 1873.

No. 14.]

AN ACT

To prevent the Judges of the Circuit, Criminal and City Courts from holding any other office during their respective terms of office.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for the Judge of any court of common law jurisdiction, civil or criminal, in this State, to hold any other office, State, county or municipal; and any such Judge accepting other office, State, county or municipal, shall thereby vacate such judge's office.

Approved December 13, 1873.

No. 15.]

AN ACT

To amend section 3,470 of the Revised Code of Alabama.

Recitation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3,470 of the Revised Code of Alabama which is in words and figures as follows: "3,470 (3,006), decree to be in writing and rendered during the term in difficult cases—decrees may be rendered during vacation. The chancellor must, when practicable, render his decrees in writing during the session of the court at which the cause is heard. He may, however, in difficult cases, render a decree in vacation within six months after the hearing," be amended so as to read as follows, viz: 3,470 (3,006), decrees to be in writing and rendered

Amended section.

during the term—by consent of counsel may be rendered in ninety (90) days after hearing. The chancellor must in all cases render his decrees in writing during the session of the court, at which the cause is heard. He may, however, by the written consent of the counsel in the cause, render a decree in vacation, within ninety (90) days after the hearing.

Approved December 8, 1873.

No. 16.]

AN ACT

To amend an act entitled an act to fix the time of holding the courts in the fifth judicial circuit, approved February 1, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the courts in the fifth judicial circuit shall be held as follows: In the county of Blount on the first Mondays in March and September, and may continue one week; in the county of Marshall on the second Mondays in March and September, and may continue one week; in the county of DeKalb on the third Mondays in March and September, and may continue one week; in the county of Jackson on the fourth Mondays in March and September, and may continue two weeks; in the county of Madison on the fifth Monday after the fourth in March and September, and may continue until the business is disposed of; any law to the contrary notwithstanding, be, and the same is, hereby amended so as to read as follows: Recitation.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the courts in the fifth judicial circuit shall be held as follows: In the county of Blount on the first Monday in March, and continue one week, and on Monday before the first Monday in September, and may continue two weeks; in the county of Marshall on the second Mondays in March and September, and may continue one week; in the county of DeKalb on the third Mondays in March and September, and may continue one week; in the county of Jackson on the fourth Mondays in March and September. and may con- Amended act.

tinue three weeks ; in the county of Madison on the fifth Monday after the fourth Monday in March and September, and may continue until the business is disposed of ; any law to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That this act shall go into effect immediately after its passage.

Approved December 12, 1873.

No. 17.]

AN ACT

For the protection of unfortunate females, and to prohibit their being worked on the public streets of the several incorporated towns and cities of this State, as a means of punishment for the violation of city or town ordinances.

No females to
be worked on
the streets.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That on and after the passage of this act, it shall be unlawful for the municipal authorities of any city or town in this State, to punish any female of Alabama by working her on the public streets of any incorporated city or town in this State as a means of punishment for the violation of city or town ordinances.

SEC. 2. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved December 3, 1873.

No. 18.]

AN ACT

To make appropriations for the fiscal year ending 30th September, 1874.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the following sums of money be, and they are hereby appropriated for the purposes specified, to be paid out of any money in the treasury not otherwise appropriated, for the fiscal year ending September 30th, 1874 :

For compensation of the Governor, four thousand dollars; for compensation of the Lieutenant-Governor, fifteen hundred dollars; compensation of the Secretary of State, two thousand four hundred dollars; compensation of the Auditor, two thousand four hundred dollars; compensation of the Treasurer, two thousand eight hundred dollars; compensation of the Attorney-General, two thousand dollars; compensation of the private secretary of the Governor, one thousand five hundred dollars; compensation of the Recording Secretary, one thousand two hundred dollars; compensation of the clerk in Auditor's office, one thousand five hundred dollars; compensation of the keeper of the State Capitol, one hundred and fifty dollars; compensation of Judges of the Supreme Court, four thousand dollars each; compensation of Circuit Judges and Chancellors, three thousand dollars each; compensation of Reporter of Supreme Court, two thousand dollars; compensation of Marshal and Librarian, two thousand dollars; compensation of the Superintendent of Public Instruction, three thousand six hundred dollars; compensation of Superintendent of Industrial Resources, two thousand five hundred dollars; extra compensation of the Secretary of the Senate and Clerk of the House, four hundred and fifty dollars; to the Secretary of the Senate for copying journal of the Senate for the present session, and of the journal of the Senate of the Capitol Legislature for the public printer, three hundred and fifty dollars to the Clerk of the House for copying of the House journal for the present session for the public printer, and one hundred dollars as compensation to Ellis Phelan for copying journal of the House of the Capitol Legislature; for distribution of the acts and journals of the present session, six hundred dollars; for a watchman for the State House, and servants for the Executive Department, fuel, lights, and stationery, six thousand dollars; *Provided*, That the watchmen and servants shall be employed by the Governor and paid upon his order; for the Secretary of the Senate and Clerk of the House, for completing their respective journals and arranging their papers for file, one hundred dollars each; for incidental and contingent expenses, fifteen thousand dollars, or so

much thereof as may be necessary, to be paid on the order of the Governor in conformity to the law, as the public service may require; for the *per diem* and mileage of Senators and Representatives of the General Assembly, and compensation of officers, clerks, and employees of the Senate and House of Representatives, seventy-five thousand dollars, or as much thereof as may be necessary at the rates provided by law; for the *per diem* and mileage of the members of the Board of Education, and compensation of officers, clerks, and employees of the Board of Education, five thousand dollars, or so much thereof as may be necessary at the rates provided by law.

Approved December 16, 1873.

No. 19.]

AN ACT

To provide for the support of the common schools of this State for the current year.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in addition to the money which will accrue for the support of the common schools of this State for the fiscal year ending 30th September, 1874, by an act entitled "An act to keep in each county of this State a proportionate share of the public school money," approved April 19, 1873, there is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, the sum of one hundred and seventy thousand, six hundred and eighty-eight and eighty-five hundredths dollars, (\$170,688.85), which is the amount of interest accruing on the sixteenth section fund.

Additional ap-
propriation.

Auditor prohib-
ited from draw-
ing in excess.

Proviso.

SEC. 2. *Be it further enacted,* That it shall not be lawful for the Auditor of the State to draw any warrant or warrants upon the Treasurer of the State for school purposes during said fiscal year in excess of said sum in the first section of this act named; *Provided,* That nothing in this act shall be so construed as to prevent the Auditor from drawing all warrants that may be necessary to carry out the provisions of an act entitled "An act to keep in each

county of this State a proportionate share of the public school money," approved April 19th, 1873, and that each and every duty required of the Auditor by said act, is hereby declared as remaining in full force and power ; and all laws and parts of laws in conflict with the provision of this act are hereby repealed.

Approved December 17, 1873.

No. 20.]

AN ACT

To provide for food and clothing for the convicts in the penitentiary.

WHEREAS, The present crisis in financial circles Preamble. has prevented the collection of debts due for labor of hands of the penitentiary ; and whereas, the persons confined in the penitentiary walls are unable to support themselves at mechanical trades, or otherwise, and the inmates of the penitentiary are destitute of clothing and food ; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of ten thousand dollars be, and the same is hereby appropriated out of Appropriation of ten thousand dollars. any moneys in the State treasury not otherwise appropriated, for the purpose of paying for food and clothing heretofore bought or hereafter to be purchased for the convicts now confined or which may be hereafter confined in the penitentiary.

SEC. 2. *Be it further enacted*, That the Auditor Warrant in favor of the warden. is hereby instructed to draw his warrant on the State treasury in favor of the warden of the penitentiary, at such times and for such sums as may be required by said warden, upon the presentation to the Auditor by said warden of a certified account of the expenses to be paid, provided said expenses shall not exceed the sum of ten thousand dollars ; *Provided*, That the amounts which may be collected as claims due the penitentiary, now in the hands of the warden, or so much thereof as is necessary, shall be applied to the payment of the amounts herein authorized.

Approved December 16, 1873.

No. 21.]

AN ACT

To provide for the support of the Freedman's Hospital, located near the city of Talladega, Alabama.

Trustees and
steward. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Green T. McAfee, William H. Thornton and William H. Cain are hereby constituted a board of trustees, and Green P. P. McAfee the steward for the institution known as the Freedman's Hospital, located near the city of Talladega, county of Talladega, Alabama.

Amount appro-
priated. SEC. 2. *Be it further enacted*, That the sum of twenty-seven hundred and fifty dollars be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, for feeding, clothing, medicines, medical attention, one ration to the steward, quarters, fuel, and other necessary articles required for the support and maintenance of the patients in said hospital.

Compensation
of steward. SEC. 3. *Be it further enacted*, That of the sum of money appropriated by the second section of this act, an amount, not more than six hundred dollars, shall be appropriated for the compensation of the steward, and a sum not exceeding two hundred dollars for medical attention to said inmates.

Trustees to
make settle-
ment. SEC. 4. *Be it further enacted*, That the trustees aforesaid shall make full and complete settlements of all accounts and contracts made by them or by their order, purchase all necessary supplies and furnish a detailed statement of all moneys received and disbursed by them to the Governor of the State, together with all books and papers in anywise connected with a discharge of their duties, which shall be filed in the office of Secretary of State.

No money to be
drawn except as
needed. SEC. 5. *Be it further enacted*, That no money shall be drawn from the treasury until it is actually needed, and it shall be drawn in strict conformity to the rules and regulations of drawing money from the State treasury.

No other pa-
tients. SEC. 6. *Be it further enacted*, That no other patients shall be received in said hospital than the inmates now in said hospital.

SEC. 7. *Be it further enacted*, That an act to pro-

vide for the support of the Freedman's Hospital, located near the city of Talladega, Alabama, approved March 5, 1873, be, and the same is hereby, repealed. Certain act repealed.

SEC. 8. *Be it further enacted*, That the provisions of this act shall continue and be in force until Dec. 31, 1874.

Approved December 16, 1873.

No. 22.]

AN ACT

Authorizing the Superintendent of Public Instruction to compromise the liability of the sureties on the official bond of Wm. J. Gilmore, late superintendent of public schools in Choctaw county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Superintendent of Public Instruction be, and is hereby, authorized to agree upon a compromise of the liability of the sureties on the official bond of Wm. J. Gilmore, late superintendent of public schools in Choctaw county, and report such agreement to the Legislature for its consideration, which agreement of compromise shall only be binding upon the State upon its ratification by the General Assembly.

Approved December 17, 1873.

No. 23.]

AN ACT

To provide for the adjustment of the claims of all agents, commissioners and all other persons claiming compensation for services rendered in selecting and securing title to the swamp and overflowed lands in the State of Alabama.

WHEREAS, By an act of the Congress of the United States, approved September 28, 1850, certain swamp and overflowed lands were ceded to the State of Alabama; and whereas, under an act of the Gen- Preamble.

eral Assembly of Alabama, approved February 24, 1860, the Governor of Alabama made a contract with James R. Powell, Urbam L. Jones, Daniel P. Forney, and the late S. S. Houston, to select and secure title to the State such swamp and overflowed lands, on certain terms therein agreed on; and whereas, it is claimed that under said contract said agents did select and survey a large quantity of swamp and overflowed lands within said State, and procured the patents to be issued therefor, and for which they claim compensation under said contract; and whereas, other parties claim that they are entitled to share in said compensation by reason of services alleged to have been rendered by them in and about the selection of said lands, and in the procuring of titles therefor, and in and about the sale of said lands, some portion of said lands having been sold by the State of Alabama; and {whereas, the extent and validity of said claims and the proper distribution of the fund cannot be determined without judicial investigation:

May file bill in
chancery court.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the said James R. Powell, Urbam L. Jones, Daniel P. Forney, and the legal representatives or heirs of S. S. Houston, deceased, may file in the second district of the southern chancery division of Alabama their original bill in chancery against the State for the purpose of ascertaining, determining and apportioning the compensation that may be due, and to become due, for services rendered by any and all persons in and about the selection and survey of said lands, and in procuring titles therefor, and in making sale thereof, such bill shall have the properties of a creditors' bill, and all persons claiming compensation for services rendered aforesaid, may be admitted as parties to said suit on petition filed setting forth their several claims, they offering and agreeing therein to share the expense of said suit and of said litigation, and giving security therefor satisfactory to the register of said court.

Duty of regis-
ter in chancery.

SEC. 2. *Be it further enacted*, That when said bill is filed the register of said court shall give notice thereof by publication in some newspaper in the city of Montgomery, for three weeks, notifying all

persons claiming an interest in said fund of the pendency of said suit, and that they are required to propound their interest by petition under this act within forty days after the first publication, and failing to do so, their claims are declared to be barred.

SEC. 3. *Be it further enacted*, That summons issued on said bill may be served on the Governor of the State or the Attorney General, when the latter shall answer such bill in the name of the State, in such manner as is required in other chancery causes. The answer shall set forth the number of acres of such swamp and overflowed lands so selected under said act of Congress that shall have been sold by the State, and the sum for which said lands were sold, and may contain any defensive matter material in said cause. Summons and answer.

SEC. 4. *Be it further enacted*, That such suit shall be conducted as other chancery suits are, with the exception that all conflicting claims to said fund may be heard and adjudicated without any cross-bill, and the cost may be adjudged and imposed by the court in such manner as the court may consider equitable. The decrees rendered in the cause against the State, should any such be rendered, to be paid as other judgments against the State are paid. Suit, how conducted.

SEC. 5. *Be it further enacted*, That in passing on the claims presented in said cause, should there appear any just claims on the proceeds of said swamp and overflowed lands that are not provided for in said act of February 24, 1860, the chancery court aforesaid may pronounce on said claims and decree its payment, and such bills shall not, for that cause, be held to be multifarious. If not provided for, payment of claim may be ordered.

SEC. 6. *Be it further enacted*, That until the termination of said suit no moneys shall be paid out of the State treasury to any agent, commissioner, or employee, for services rendered in selecting or surveying said lands, or in obtaining patents therefor, or in selling the same. Until suit decided no payments to be made.

SEC. 7. *Be it further enacted*, That any party to such suit may prosecute an appeal from the chancery to the supreme court under the terms prescribed for appeal in other chancery causes; but such appeal must be taken within six months after the final decree, and not afterwards. Appeal to Supreme Court.

Approved December 17th, 1873.

No. 24.]

AN ACT

To establish an inferior court of record in the town of Decatur, Alabama.

Court estab-
lished and its
title. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there is hereby established in the county of Morgan an inferior court of record to be called "the law and equity court of Morgan county," to be located and held twice a year in the town of Decatur in said county.

Jurisdiction. SEC. 2. *Be it further enacted*, That the jurisdiction of said court shall extend north and south and include all of said county of Morgan west of a line running north and south through the centre of range three, and running north and south as afore-said.

Clerk and reg-
ister. SEC. 3. *Be it further enacted*, That said court shall have a common seal, and shall have a clerk to be styled the clerk and register, and such other officers as the circuit courts in this State. The said clerk and register of said court shall be elected by the qualified voters of said county of Morgan, at the next general election for State officers, and shall hold his office for the same term as the clerks of the circuit courts, and shall give the same bond, exercise the same powers, and perform the same duties within said territorial limits as are now required by law of the clerks of circuit courts in this State, except so far as the provisions of this act are in conflict therewith; and shall further exercise the same powers and perform the same duties within said territorial limits as are now required by law of the register of the chancery courts of this State, except so far as the provisions of this act are in conflict therewith; and until said election the judge of said court shall appoint a clerk and register of said court, who shall hold his office until his successor is elected and qualified; and all vacancies hereafter in said office of clerk and register shall be filled in the same manner and under the same rules and regulations as now are, or may be hereafter, in force in regard to vacancies in the office of circuit court clerks in this State.

How elected.

Duties.

SEC. 4. *Be it further enacted*, That all executions

issued upon judgments of said court shall be returnable to the next succeeding term thereof; and all executions issued on decrees, and all orders, rules and process issuing from the equity side of said court shall be returnable as now provided by law in equity cases; and all orders of publication, injunction or other order in the equity side of said court must conform to the rules now in force in the courts of chancery in this State, and to those which may hereafter be made.

Executions upon judgments of this court.

SEC. 5. *Be it further enacted*, That said court of law and equity shall have concurrent jurisdiction with the circuit court of Morgan county of all offenses against the criminal laws of the State committed in said territorial limit of said county, and concurrent jurisdiction in said territorial limit with the said circuit court in all civil cases, and that the powers and jurisdiction of circuit courts of this State be, and they are hereby, conferred on the said court of law and equity to the extent above provided, and in order to confer on said court the same powers and authority as is now or may hereafter be conferred upon the circuit courts of this State in the exercise of like jurisdiction, it is declared that all laws conferring jurisdiction in any case upon the circuit courts in this State, and giving them power to hear and determine causes, appoint and remove their officers, punish contempt, regulate their practice and forms of process, prescribing the duties of their officers, and of sheriff and coroner, allowing established fees to each office and providing for the collection thereof, and requiring of such officers official oaths, and bonds shall be held to extend to said court and its officers as fully as they extend to the circuit courts of this State.

Concurrent jurisdiction.

SEC. 6. *Be it further enacted*, That said court of law and equity shall, on the equity side of said court, have concurrent jurisdiction in said territorial limits in the said county of Morgan with the chancery court of the chancery district to which said county belongs in all cases for divorce, and cases where the value of the matter in controversy does not exceed the sum of five thousand dollars, and that the powers and jurisdiction of the chancery courts of this State be, and the same are hereby,

Concurrent jurisdiction in certain chancery causes.

conferred on the said court of law and equity to the extent above provided; and in order to confer on said court the same powers and authority as is now, or may be hereafter, conferred upon the chancery courts of this State in the exercise of the like jurisdiction, it is declared that all laws conferring in any case upon the chancery courts in this State, giving them power to hear and determine causes, appoint and remove trustees and receivers, issue writ of *ne exeat*, attachments and other remedial writs and process, punish contempt, to regulate their practice and forms of process, prescribing the duties of their officers, rules and orders for taxing costs, and providing for the collection thereof, shall be held to extend to said court of law and equity within the limits of its jurisdiction in this act provided, and the said court of law and equity must in all cases in equity therein pending conform to the rules of chancery practice now in force in the courts of chancery in this State, and to those which may hereafter be made.

Power to issue certain writs.

SEC. 7. *Be it further enacted*, That power is conferred on the judge of said court of law and equity to issue writs of injunction, *habeas corpus*, and any other writs or process in any and every case in which, by existing laws, circuit judges may order the issue of any like remedial writ or process, and further to issue writs of injunction, *ne exeat* or any other writs or process in any and every case in which, by existing laws, chancellors of this State may order the issue of any like remedial writ or process in the recess or vacation of said court, the judge thereof shall have the same power and authority as the judges of the circuit or chancellors of this State now have or may hereafter have.

Supreme court to have appellate jurisdiction.

SEC. 8. *Be it further enacted*, That the supreme court of the State shall have appellate and supervisory jurisdiction over said court of law and equity, and that civil and criminal cases may be removed from that court to the supreme court in the same manner provided by law for the exercise by that court of like appellate or supervisory jurisdiction over the courts or judges of the circuit courts of this State, and that equity cases therein may be removed from the said court to said supreme court in the same

manner provided by law for the exercise by that court of like appellate or supervisory jurisdiction over the courts or chancellors of the chancery courts of this State.

SEC. 9. *Be it further enacted*, That the process of said court in civil and criminal cases shall be Process of this court. issued, returned and be in form as is provided for the circuit courts, and the process of said court in equity cases shall be issued, served and returned, and be in form, as is or may be provided, for the chancery courts of this State, the said process varying only in the style of the court and conforming to its terms.

SEC. 10. *Be it further enacted*, That the grand and petit jurors of said court of law and equity shall be drawn and empannelled from that portion of Morgan county west of a line running north and south through the centre of range three west in said county by the clerk of said court, the sheriff of said county of Morgan and any justice of the peace to be selected by them ; said drawing to be had in the said town of Decatur, and in the same manner as provided by law for the circuit courts, and the said court of law and equity shall have the same power to summon tales jurors from said portion of said county west of said range line as the circuit courts of this State have. How jurors to be drawn, and where from.

SEC. 11. *Be it further enacted*, That the sheriff of Morgan county, and the coroner and constables of said county, shall be required to attend said court, when holden, preserve order, execute and return its process, as they now are, or may be hereafter required to do in the circuit courts. Sheriff, coroner and constable to attend the courts.

SEC. 12. *Be it further enacted*, That the county solicitor of Morgan county, shall be required to attend said court, when held, and prosecute all indictments in said court, and be entitled to the same compensation as allowed by law in the circuit courts for such services. County solicitor to attend.

SEC. 13. *Be it further enacted*, That the venue in any civil or criminal case in said court may be changed to the circuit court of Morgan county, or to some other circuit court, under the same rules and regulations that now, or hereafter may, govern changes of venue in the circuit courts ; and that in Venue may be changed.

any criminal or civil case pending in the circuit court of Morgan county, for good cause shown, the venue of such cause may be changed to the said court of law and equity; and in such case the clerk of said circuit court must certify all the orders made in the cause in said circuit court, and transmit all the papers in the cause to the clerk of said court of law and equity.

Compensation
and fees.

SEC. 14. *Be it further enacted*, That the compensation of witnesses and jurors in said court of law and equity, the fees of sheriff, bailiff and constables, and also the clerk and register of said court, for services rendered, shall be the same as are now allowed by law for like services in the circuit and chancery courts of this State.

Judge of this
court.

SEC. 15. *Be it further enacted*, That the judge of the fourth judicial circuit of Alabama shall be the judge of said court of law and equity.

Fines and for-
feitures; to
whom payable.

SEC. 16. *Be it further enacted*, That the fines and forfeitures in said court of law and equity be paid to the clerk of said court of law and equity to be held by him subject to the order of the judge of said court for the payment of the expenses of said court, and if that be insufficient, that the commissioners court of said county shall levy a tax on that portion of said county in the territorial jurisdiction of said court of law and equity on all the taxable property thereof; *Provided, however*, that said tax shall not exceed one fourth of one per cent. and that said tax be collected by the tax collector of said county to be paid to the clerk of said court of law and equity for the purpose of defraying the expenses of said court upon said clerk entering into bond and security payable to said tax collector in double the amount of the tax collected.

Terms of this
court.

SEC. 17. *Be it further enacted*, That terms of said court of law and equity shall be held on the last Monday in February and the last Monday in August of each year and may continue one week at each and at such other times as the judge of said court may direct, after giving thirty days notice of the holding thereof by advertisement in some newspaper published in said county.

SEC. 18. *Be it further enacted*, That nothing in this act shall be so construed as to diminish the rev-

enue of said county, and that no part of said revenue of said county shall be used to defray any part of the expenses of said court. No expense of the court to fall on the revenue of the county.

Approved December 17, 1873.

No. 25.]

AN ACT

To authorize the Judge of the 7th Judicial Circuit to hold a special term of the Circuit Court for Sumter county for the disposal of unfinished criminal business.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the judge of the 7th judicial circuit be and he is hereby authorized and empowered to hold a special term of the circuit court for the county of Sumter for the trial of all unfinished criminal business, at such time as he may appoint, by giving thirty days notice thereof by publication in some newspaper published in said county before the time of holding the same; *Provided, however*, no person charged with a capital offense shall be tried at such special term without the person so charged with such capital offense shall make application to the judge therefor. Authority conferred.

SEC. 2. *Be it further enacted*, That it shall be the duty of the clerk of the circuit court of said county to set the causes for trial on certain days and issue alias subpoenas for the witnesses in each case to appear on the day on which said case is set for trial. Duty of clerk.

Approved December 6, 1873.

No. 26.]

AN ACT

To authorize the holding of a special term of the Circuit Court of Hale county, for the disposal of criminal business in the county of Hale.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a special term of the circuit Authority conferred.

Time of special term, court, shall be holden in the county of Hale at the county seat thereof, on the third Monday in the month of January, A. D. 1874.

Court, how regulated. SEC. 2. *Be it further enacted*, That said court shall be regulated and conducted under the same rules as prescribed by law for the government of regular terms of circuit courts, *Provided* that said special term shall continue in session until the entire criminal business now pending in the circuit court of said county shall be disposed of.

Proviso.

Approved December 15, 1873.

No. 27.]

AN ACT

To extend the time of holding the circuit court of Limestone county.

Term extended SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the circuit court of Limestone county in the fourth judicial circuit may continue until the business is disposed of.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved December 8, 1873.

No. 28.]

AN ACT

To require the criminal docket in the circuit courts for Talladega county to be set for trial on the third week of the term.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the criminal docket for the county of Talladega, shall be set for trial on the third week of the circuit court of said county, any law or usage to the contrary notwithstanding.

Approved December 17, 1873.

No. 29.]

AN ACT

To amend section three of an act entitled an act to confer civil jurisdiction upon the city court of Mobile, approved February 13th, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3 of an act entitled an act to confer civil jurisdiction upon the city court of Mobile, approved February 13th, 1872, which reads as follows, viz. : "Section 3. Be it further enacted, That said city court shall meet for the trial of civil causes on the first Monday of February, May and October of each year, and may continue in session for the trial of civil causes until the last day of each of said months," be so amended as to read as follows, viz: Section 3. Be it further enacted, That said city court shall meet for the trial of civil causes on the first Monday of February and May, and the second Monday of November in each year, and may continue in session for the trial of civil causes until the last day of each of said months.

Recitation.

Amended section.

SEC. 2. *Be it further enacted*, That the said section 3, as the same stands in the published acts of the State, is hereby repealed.

Approved December 8, 1873.

No. 30.]

AN ACT

To fix the time of holding the Chancery Courts for the Sixth District of the Eastern Division, composed of the county of Macon.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the chancery courts for the sixth district of the eastern chancery division, composed of the county of Macon, shall commence on the third Monday of May and December of each year, and may continue one week.

Time fixed.

SEC. 2. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act be, and the same are hereby, repealed.

Approved December 17, 1873.

No. 31.]

AN ACT

To fix the time of holding the Chancery Courts for the county of Cleburne.

Time fixed. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act the chancery courts for the county of Cleburne shall be held on the sixth Monday after the fourth Monday in May and the third Monday in January of each year; or such other time as may be fixed by the chancellor; which time, if fixed by said chancellor, shall be done at the next term of the court, and shall be the permanent time to continue from year to year till changed by act of the General Assembly.

When, if done, by the chancellor.

Length of term SEC. 2. *Be it further enacted*, That the said chancery courts may continue three days at each term.

Approved December 17, 1873.

No. 32.]

AN ACT

To create the Eleventh Chancery District of the Northern Chancery Division.

Creation of district. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a new chancery district be, and the same is hereby, created out of the county of Morgan, to be known as the eleventh chancery district of the northern chancery division of the State of Alabama.

One term and time of. SEC. 2. *Be it further enacted*, That there shall be one term of the chancery court of said division held for said district, at the courthouse, in the town of Sommerville, in said county, on the first Monday in February in each year, and may continue one week.

Chancellor to appoint a register. SEC. 3. *Be it further enacted*, That the chancellor shall appoint one register for said district, who shall have his office at the courthouse, in Sommerville, in said county, whose duties shall be the same as those now required by law of registers in chan-

cery in this State, and who shall qualify in all respects before entering upon the duties of his office as other registers are now required to do by the laws of this State.

SEC. 4. *Be it further enacted*, That the register of the third district of said division be, and he is hereby, required to turn over to the register of the said eleventh district all the books, papers, files, together with a complete transcript of the rules, orders, minute and docket entries in all the chancery business belonging to said eleventh district, composed of said county of Morgan, and take his receipt therefor, and for the bills of costs due him.

Register of 3d district to turn over certain documents.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved December 17, 1873.

No. 33.]

AN ACT

To establish a new Chancery District of the county of Covington.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a new chancery district, called the eighth district of the southern chancery division of Alabama, be, and the same is hereby, created, and that Covington county shall constitute said district.

SEC. 2. *Be it further enacted*, That the chancery court for said district shall be held at the courthouse for said county, by the chancellor of said division, on Wednesday after the third Monday in February and August in each year, and continue two days, or twice annually, at such other times as he may appoint.

SEC. 3. *Be it further enacted*, That on demand of the register of the new district, or any one interested, the register at Greenville, in the county of Butler, shall deliver to the register in chancery in said new district, upon his executing proper receipts therefor, all papers and documents pertaining to causes existing against any resident of Covington

county, and the court of said new district shall have full jurisdiction of such causes and parties thereto.
Approved December 17, 1873.

No. 34.]

AN ACT

To remove the guardianship of Lillie Bowden, a minor, from the Probate Court of Butler county, Alabama, to the Probate Court of Shelby county in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That upon the exhibition to the judge of the probate court of Butler county, Alabama, and the filing therein of properly authenticated transcripts of proceedings had in the probate court of Shelby county in the State of Tennessee, showing the appointment by said probate court of a guardian for Lillie Bowden, daughter of Bennett Bowden, deceased, formerly of Butler county, Alabama, and the acceptance of the trust by the person so appointed, it shall be the duty of the judge of said probate court of Butler county, on the application of such guardian so appointed in the State of Tennessee, to make all orders that may be necessary for the removal and transfer of the guardianship of said minor, and of her estate, to the said probate court of Shelby county, Tennessee, and to the guardian by said court appointed.

SEC. 2. *Be it further enacted*, That upon such order of removal or transfer being made by said probate court of Butler county, the guardian appointed by said probate court of Shelby county, Tennessee, is hereby authorized to receive the moneys, moveable property, and effects of said minor, being or remaining in this State, and to receive the rents of the lands in this State belonging to said minor, and the same to remove from this State to the State of Tennessee.

Approved December 12, 1873.

No. 35.]

AN ACT

To remove the administration of the estate of Thomas C. Daniel, deceased, from the county of Autauga to the county of Perry.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the administration of the estate of Thomas C. Daniel, deceased, be, and the same hereby is, removed from the county of Autauga, to the county of Perry, in this state. Removal of administration.

SEC. 2. *Be it further enacted*, That the judge of the probate court of said county of Autauga be, and he is hereby authorized and required to make and certify to the judge of the probate court of Perry county all such transcripts, exhibits, and abstracts of the records and papers in his office pertaining to said estate, as may be necessary to convey a sufficient knowledge of the condition of said administration, to enable the said judge of probate of Perry county, in taking jurisdiction of said estate, to act advisedly in the premises. Duty of Probate Judge of Autauga.

SEC. 3. *Be it further enacted*, That upon the reception of such transcripts, exhibits, and abstracts, the judge of probate of Perry county is hereby authorized and empowered to take jurisdiction of the administration of said estate. Authority of Probate Judge of Perry.

Approved December 17, 1873.

No. 36.]

AN ACT

To authorize Angus McAllister, administrator of the estate of A. J. McAllister, deceased, to sell lands belonging to said estate.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Angus McAllister, administrator of the estate of A. J. McAllister, late of Henry county, Alabama, be and he is hereby authorized and empowered to sell the lands belonging to said estate at private sale, for division and distribution among the heirs-at-law and distributees of said estate, and without any order of the probate court of Authority conferred.

Proviso.

Further proviso,

said county of Henry (where said lands are situated) therefor, and to execute titles to the purchaser or purchasers; *Provided*, That the said Angus McAllister, as such administrator, shall, within sixty days after making sale of said lands, report the same to the judge of said probate court, who shall, if said lands have been sold for a fair price, and the purchase-money paid or well secured, confirm the same; *Provided further*, That said sale shall not be confirmed until it shall be made to appear to the judge of probate of said county, by depositions taken as in chancery cases, that the real estate so sold can not be equitably divided between the heirs of A. J. McAllister, and that the minor heirs of A. J. McAllister, acting through a guardian *ad litem* duly appointed by said judge of probate, have had ten days previous notice of the taking of such depositions; *Provided further*, That said Angus McAllister shall be liable on his bond as such administrator for any *devastavit*, or failure to account for and properly distribute the proceeds of the lands, as now provided by law.

Approved December 12, 1873.

No. 37.]

AN ACT

To authorize David R. Leonard, the administrator of the estate of J. Glen Leonard, deceased, to sell the lands of said estate at private sale, without making application, proof, and obtaining an order of sale as is usually done.

Authority conferred.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That David R. Leonard, the administrator of the estate of J. Glen Leonard, deceased, be, and he is hereby authorized and empowered to sell the land belonging to said estate of J. Glen Leonard, without filing an application, making proof, and obtaining an order therefor; and he may sell the same at private sale.

Must report sale.

SEC. 2. *Be it further enacted*, That said David R. Leonard shall report said sale to the probate court of Shelby county, and have the same ratified and

confirmed, and the titles passed, as in other cases of sales of real estate by administrators.

Approved December 17, 1873.

No. 38.]

AN ACT

To authorize Ann S. Prince, administratrix of the estate of Oliver T. Prince, deceased, to sell certain lands of said estate at private sale, for the purpose of paying off the debts of said decedent.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Ann S. Prince, administratrix of the estate of Oliver T. Prince, deceased, be, and she is hereby, authorized to sell at private sale such real property belonging to said estate, situate in the counties of Hale and Tuskaloosa, as may be necessary for the purpose of paying the debts of said estate: *Provided*, That any such sale shall be reported within sixty days thereafter to the Judge of Probate of Tuskaloosa county, and shall be valid only when approved by him.

Authority to sell.

Sale to be reported.

Approved Dec. 17, 1873.

No. 39.]

AN ACT

To amend sections six (6), ten (10), twelve (12) and fifteen (15) of an act entitled "an act to establish a City Court for the County of Lee, with criminal and civil jurisdiction," &c., and to repeal certain sections therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections six (6), ten (10), twelve (12) and fifteen (15) of an act entitled "an act to establish a city court for the county of Lee, with civil and criminal jurisdiction," &c., approved March 20, 1873, which sections are as follows, to-wit: Section 6. *Be it further enacted*, "That said court shall have concurrent jurisdiction with the cir-

Recitation.

cuit court of Lee county of all offenses against the criminal laws of this State committed in said county, and concurrent jurisdiction with said court in civil cases ; and that the powers and jurisdiction of the circuit courts of this State be, and the same are hereby, conferred on the city court of Lee county to the extent above provided ; and in order to confer on said court the same powers and authority as is now or may hereafter be conferred upon the circuit courts of this State in the exercise of like jurisdiction, it is declared that all laws conferring jurisdiction in any case upon the circuit courts in this State giving them power to hear and determine causes, appoint and remove their officers, punish contempts, regulate their practice and form of process, prescribing the duties of their officers and of sheriff and coroner, allowing established fees for each officer, providing for the collection thereof, or requiring of such officers official oaths and bonds, shall be held to extend to said court and its officers as fully as they extend to the circuit courts of this State." Section 10. Be it further enacted, "That the grand jurors for said court shall be drawn from the persons liable to jury duty in the county of Lee, shall be empannelled in the same manner as is or may be provided by law for grand jurors of the circuit court, and a venire issued therefor in the manner provided by law ; and that the petit jurors for said court shall be drawn and empannelled in the same manner as now provided by law for the circuit courts ; and the said court shall have the same power to summon tales jurors as the circuit court has." Section 12. Be it further enacted, "That the salary of the judge of the court hereby established shall be one thousand dollars a year, which shall not be diminished during his continuance in office, except with his consent, and be payable quarterly at the treasury of the county of Lee, upon his order, out of any money in the treasury unappropriated ; and for the remuneration of said county for the payment of the same, the fines and forfeitures of all State cases in said court shall be paid into said treasury in preference to any other appropriation of the same, and shall be collected in money or lawful currency, which alone is authorized to be received in payment of all

such fines and forfeitures ; and in all cases which shall be tried in said court herein established in which the defendant, after conviction, shall be unable to pay the costs of prosecution, the same shall be paid out of the fines and forfeitures which have accrued, or may accrue, in criminal cases in said court." Section 15. Be it further enacted, "That the venue in any case in said court may be changed to the circuit court of some other county under the same rules and regulations that now, or may hereafter, govern changes of venue ; the circuit court trying the case, upon conviction, shall order the fine or forfeiture when collected to be paid to the clerk of said court herein established," be amended so as to read as follows, to-wit :

SEC. 6. *Be it further enacted*, That said court shall have concurrent jurisdiction with the circuit court of Lee county in civil cases ; and that the powers and jurisdiction of the circuit courts of this State be, and the same are hereby, conferred upon said city court, to the extent above provided ; and in order to define more clearly the jurisdiction and powers of said city court, it is declared that all laws now in force, or which may hereafter be enacted, conferring, generally, on circuit courts jurisdiction in civil cases, giving them power to hear and determine the same, to appoint and remove their officers, punish contempts, regulate their practice and forms of process, prescribing the duties of their officers and of sheriff and coroner, allowing established fees for each officer, providing for the collection thereof, or requiring of such officers official oaths and bonds, shall be held to extend to said city court as fully as they extend to the circuit courts of this State.

Concurrent jurisdiction with circuit court in civil cases.

More fully defined.

SEC. 10. *Be it further enacted*, That the petit jurors for said court shall be drawn from the same box, in the same manner, by the same officers, and at the same time prior to the term for which they are to serve, as petit jurors for the circuit court are drawn, except that the clerk of the city court shall be present and participate in such drawing in place of the clerk of the circuit court ; and the said city court shall have the same power to summon tales jurors as the circuit court has.

Petit jurors ; how drawn.

SEC. 12. *Be it further enacted*, That the salary

Salary and fees
of the judge.

of the judge of said court shall be one thousand dollars a year, which shall not be diminished during his continuance in office, without his consent, and be payable quarterly, upon his order, by the treasurer of Lee county out of any money in the treasury unappropriated, and in addition to the compensation above provided, the judge of said court shall also be entitled to receive three dollars in each case instituted in said court and not litigated, and five dollars in each litigated case, to be taxed as costs against the unsuccessful party.

Change of
venue.

SEC. 15. *Be it further enacted*, That the venue in any civil case in said court may be changed to the circuit court of some other county, under the same rules and regulations that now, or may hereafter, govern changes of venue in the circuit courts, and at the first term of said city court, after the passage of this amendatory act, the judge shall cause an entry to be made in the minutes of said court, transferring to the circuit court of Lee county all criminal cases then pending in said city court, and the clerk of said city court shall thereupon deliver to the clerk of said circuit court all indictments and other original papers relating to criminal cases in said city court, and such cases shall be tried in said circuit court, as if they had originated therein.

Repeal of orig-
inal sections
amended.

SEC. 2. *Be it further enacted*, That said sections six (6), ten (10), twelve (12) and fifteen (15), as they stand in the original act establishing the city court of Lee county, be, and the same are hereby, repealed.

Repeal of other
sections.

SEC. 3. *Be it further enacted*, That sections fourteen (14), seventeen (17), nineteen (19), twenty (20), twenty-one (21) and twenty-two (22) of an act entitled "an act to establish a city court for the county of Lee, with criminal and civil jurisdiction," &c., approved March 20th, 1873, be, and the same are hereby repealed.

Approved December 17, 1873.

No. 40.]

AN ACT

To regulate the disposition and management of a bequest made by James Wallace, late of Lawrence county Alabama, for the benefit of free public schools in township seven, range nine, west; in said county.

WHEREAS, James Wallace, late of said county of Lawrence and State of Alabama, by his last will and testament bequeathed a certain legacy for the benefit of free public schools in township seven, range nine, west; in Lawrence county Alabama; and whereas, said will made no provision to whom the payment of said bequest should be made now in order to carry out the provisions of said will: Preamble.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Robert J. Warren, who has been heretofore to-wit: on the fourteenth day of June one thousand eight hundred and seventy-three, by the male citizens of township seven, range nine, west, of Lawrence county, elected trustee of the fund, bequeathed to said township by the late James Wallace, deceased, be, and is hereby declared trustee of said fund. Robert J. Warren declared trustee.

SEC. 2. *Be it further enacted*, That the said Robert J. Warren, before entering upon the duties of his said office, as trustee, shall enter into bond in double the amount of the trust fund, payable to the trustees of free public schools in said township, and their successors in office, conditioned to faithfully perform the duties of said office, said bond to be approved by the trustees of free public schools in said township, and secured by mortgage on real estate duly executed to the said trustees of free public schools. Trustee to give bond.

SEC. 3. *Be it further enacted*, That said Robert J. Warren, shall hold said office for the term of five years from the approval of this act. To hold office five years.

SEC. 4. *Be it further enacted*, That five years from the passage of this act and every five years thereafter, it shall be the duty of the trustees of free public schools in said township, to hold an election in the town of Mt. Hope, for the office of trustee under this act, at which election all male citizens Election of successor.

resident in said township over and above the age of twenty-one years, shall be legal voters. Ten days notice of said election being posted up at Mount Hope and three other public places in said township.

Term of office
of successor,
and bond.

SEC. 5. *Be it further enacted*, That the officer so elected shall hold his office for the term of five years from the time of his said election, and before entering upon the duties thereof, shall give bond payable, approved and secured as by this act is required of said Warren.

Vacancy, how
filled.

SEC. 6. *Be it further enacted*, That upon the removal, death, or resignation of the trustee provided for under this act, the trustees of free public schools of said townships, are hereby authorized to hold an election to fill the vacancy thus occurring, first giving the notice required for regular elections under this act.

Trustee to re-
ceive the fund.

SEC. 7. *Be it further enacted*, That it shall be the duty of said Robert J. Warren, after having given bond as by this act, required to receive and receipt for the funds bequeathed, from the administrator with the will annexed of said James Wallace, and the receipt of said trustee to said administrator, shall be a full acquittance and release of said administrator.

Interest to be
paid annually.

SEC. 8. *Be it further enacted*, That it shall be the duty of said trustee, to pay over to the trustees of free public schools in said township on the first day of January, of each and every year, the interest at eight per cent. annually occurring on said trust fund.

Trustees to
pay fund to
teachers.

SEC. 9. *Be it further enacted*, That it shall be the duty of the trustees of free public schools in said township, to pay out to the teachers of free public schools in said township, the fund by them received pursuant to above section in proportion to the number of days each pupil living, and resident in said township actually attends said free schools.

Duty of suc-
ceeding trustee

SEC. 10. *Be it further enacted*, That it shall be the duty of the succeeding trustee elected under this act, to call to a settlement the former trustee, his executors or administrators, and the said former trustee shall not be released from his said bond or the mortgage given by him to secure the same, shall

not be satisfied until the former trustee, his executor, or administrator, has made his settlement in full and obtained from his successor his receipt in full.

Approved December 11, 1873.

No. 41.]

AN ACT

To repeal an act entitled "An act in relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named," approved March 27, 1873, so far as the same relates to Choctaw county.

SECTION 1. *Be it enacted, by the General Assembly of Alabama,* That an act entitled "An act in relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named," approved March 27, 1873; which reads as follows: Section 1. Be it enacted by the General Assembly of Alabama, That all fines and forfeitures assessed or imposed by any court in the counties of Tuskaloosa, Russell, Dallas, Choctaw, Lowndes, Cherokee, Calhoun, Etowah, Blount, Barbour, Chambers and Colbert, shall be collected by the officer, whose duty it is to make such collections, in lawful money of the United States alone. Section 2. Be it further enacted, That all sums of money received by any officer of said counties, for, and on account of the hire of persons sentenced to hard labor for said counties, shall constitute a part of the fine and forfeiture fund, and shall be paid over to the treasurer of said counties, which said fund shall be expended as herein after provided. Section 3. Be it further enacted, That all claims against the fine and forfeiture fund of said counties, shall be paid by the county treasurers, out of said fund, in the order in which the said claims have been registered. Section 4. Be it further enacted, That all laws and parts of laws conflicting with or in any wise contravening the provisions of this act, be, and the same are hereby repealed,—be and the same is hereby repealed, so far as the same relates to the counties of Choctaw and Blount.

Recitation.

Repealed as to
Choctaw and
Blount.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and they are hereby repealed.

Approved December 8, 1873.

No. 42.]

AN ACT

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3d, 1870, so far as the same relates to the counties of Jefferson and Walker.

Repealed, as
to Jefferson and
Walker.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the foregoing act, approved March 3d, 1870, be, and the same is hereby repealed, so far as the same relates to the counties of Jefferson and Walker.

Approved December 8, 1872.

No. 43.]

AN ACT

To prohibit the sale or giving away of vinous or spirituous liquors within two miles of Gaylesville High School, in Cherokee county; within two miles of Methodist Church, South, known as "Harmony," Elmore county; within two miles of Hopewell Methodist Church and Hopewell Academy, in the county of Lowndes; within three miles of the Notasulga Academy, in Macon county, and within three miles of the town of Vernon, Sanford county.

Prohibited af-
ter 1st Jan. '74.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the first day of January, 1874, it shall be unlawful for any person or persons to sell or give away, or otherwise dispose of any vinous or spirituous liquors within two

miles of Gaylesville High School, in Cherokee county; within two miles of Methodist Church, South, known as "Harmony," Elmore county; within two miles of Hopewell Methodist Church and Hopewell Academy, in the county of Lowndes; within three miles of the Notasulga Academy, in Macon county, and within three miles of the town of Vernon, Sanford county: *Provided*, That this act shall not be so construed as to prevent any person or persons from selling or giving to another, vinous or spirituous liquors upon the production of written certificate from a licensed physician of the neighborhood that the same is necessary and for medical purposes, and then the same shall not be sold or given in less quantities than a quart. Proviso. Allowed upon physicians certificate.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall not be fined less than fifty or more than two hundred dollars, and confined in the county jail or placed at hard labor for the county for not less than one month or more than six months, one or both, at the discretion of the court trying the same. The solicitor shall be entitled to a fee of twenty dollars for each conviction under this act. Penalty. Solicitor's fee.

SEC. 3. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved Dec. 17, 1873.

No. 44.]

AN ACT

To prohibit any person from selling, giving away, or otherwise disposing of spirituous liquors within four miles of the following named churches: "Letohatchie Methodist," "Tabernacle Methodist," in Montgomery county, six miles northeast of Letohatchie; "Steep Creek Baptist Church," three and one-half miles northwest of Letohatchie, in the county of Lowndes, and Pleasant Valley Methodist Church, in said county.

SECTION 1. *Be it enacted by the General Assem-*

Prohibition.

bly of Alabama, That from and after the passage of this act it shall be unlawful for any person to sell, give away, or in any way dispose of spirituous liquors within four miles of the Methodist Church at Letohatchie, in the county of Lowndes; the Tabernacle Methodist, in Montgomery county, six miles northeast of Letohatchie, and "Steep Creek Church," three and one-half miles northwest of Letohatchie, in the county of Lowndes, and Pleasant Valley Methodist Church, in said county.

Penalty.

SEC. 2. *Be it further enacted*, That any person so offending shall be fined not less than one hundred dollars, and upon default to pay the same shall be imprisoned in the county jail, or sentenced to hard labor for the county for not less than two months, at the discretion of the court trying the same.

Approved Dec. 13, 1873.

No. 45.]

AN ACT

To prohibit the sale or giving away of spirituous liquors within five miles of Sulphur Springs Church, Cane Creek Church, Oak Bowery Church, Mount Zion Church, and Hebron Church, in Calhoun county, and Blue Eye Church, Refuge Church, Patton's Chapel Church, Bethel Church, Forrest Hill Church, and the colored people's church (near Forrest Hill), in Talladega county, Alabama.

Prohibition.

SECTION 1. *Be it enacted by the General Assembly of Alabama*. That from and after the passage of this act it shall be unlawful for any person or persons to sell or give away spirituous liquors or intoxicating bitters, within three miles of the following named churches, viz: Sulphur Springs Church, Cane Creek Church, Oak Bowery Church, Mount Zion Church, and Hebron Church, in Calhoun county, and Blue Eye Church, Refuge Church, Patton's Chapel Church, Bethel Church, Forrest Hill Church, and the church of the colored people (near Forrest Hill), in Talladega county, Alabama.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than fifty nor more than five hundred dollars, and may be sentenced to hard labor for the county for not less than two nor more than six months, one or both, at the discretion of the court trying the same. Penalty.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Dec. 8, 1873.

No. 46.]

AN ACT

To prohibit the sale, gift or barter of intoxicating liquors within two miles of Marble Spring Presbyterian Church, Owen Spring Methodist Church, Salem Baptist Church, and the town of Estaboga, in Talladega county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the date of the passage of this act, it shall be unlawful for any person or persons to sell, give away, or barter any vinous, spirituous or malt liquors, or any biters of which any intoxicating liquor is a component part, within two (2) miles of Marble Spring Presbyterian Church, Owen Spring Methodist Church, Salem Baptist Church, and the town of Estaboga, in Talladega county. Prohibition.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and must, upon conviction, be imprisoned in the county jail or sentenced to hard labor for the county for not less than three nor more than six months, and may also be fined not more than five hundred dollars. Penalty.

Approved Nov. 25, 1873.

No. 47.]

AN ACT

To prohibit the sale or giving away of any vinous or spirituous liquors within four miles of the Round Mountain Iron Works, and Tecumseh Iron Works, or coaling grounds, in Cherokee county.

Prohibition.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for any person to sell or give away any vinous or spirituous liquors within four miles of the Round Mountain Iron Works, and Tecumseh Iron Works, or coaling grounds, in Cherokee county, unless as medicine, under written prescription of a physician, designating the patient, and quantity to be administered.

Penalty.

SEC. 2. *Be it further enacted,* That any person violating the provisions of the foregoing section shall be decreed guilty of a misdemeanor, and may be indicted therefor, and, on conviction, must be fined not less than fifty dollars, and stand committed till fine and costs are paid or secured.

In default of
payment to
work for the
county.

SEC. 3. *Be it further enacted,* That in case of failure to pay or secure said fine and cost, it is made the duty of said court to sentence the defaultant to labor three months for the use of the county.

Approved Dec. 17, 1873.

No. 48.]

AN ACT

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters, or other intoxicating beverages, within two miles of Yorgesboro, a station on the Western Railroad of Alabama, and within one and a quarter miles of the kilns of the Chewacla Lime Company, both in the county of Lee.

Prohibition.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away or otherwise dispose of spiritous, vinous or malt liquors, intoxicating bitters, or other intoxicating beverages, within two miles of

Yongesboro station, on the Western Railroad of Alabama, or within one and a quarter miles of the kilns of the Chewacla Lime Company, both in the county of Lee, unless the same shall be sold or administered for family medicinal purposes under a medical prescription.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred dollars, and may be imprisoned in the county jail for not less than thirty days, at the discretion of the judge trying the case, and on failure to pay, or secure to be paid said fine and the costs, shall be sentenced to hard labor for the use of the county in which such conviction is had for not less than fifty days. Penalty.

Approved December 17, 1873.

No. 49.]

AN ACT

To amend an act entitled "an act to prevent the sale of liquor within a mile of Choccolocco Bridge, on Truss' Ferry road, in Talladega county," approved January 27th, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the above recited act, approved January 27th, 1872, be so amended as to read as follows, to-wit: Section 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall not be lawful for any person to sell, give or deliver to another person any vinous, malt or spirituous liquor, in any quantity, within one mile of the bridge across Choccolocco Creek, on the public road leading from the city of Talladega to Truss' ferry, in Talladega county. Section as amended.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty, and not more than two hundred dollars, at the discretion of the jury Penalty.

trying the cause, in any court of competent jurisdiction in said county.

Former act repealed.

SEC. 3. *Be it further enacted*, That the act as it now reads, to which this act is an amendment, approved Jannary 27, 1872, be, and the same is hereby repealed.

Approved December 17, 1873.

No. 50.]

AN ACT

To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters, or other intoxicating beverages within two and a half miles of the Pierce Coal Mines, in section 12, township 14, range 3, west, and also within two and a half miles of New Castle Coal Mines, in Jefferson county.

Prohibition.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of vinous, spirituous, or malt liquors, intoxicating bitters, or other intoxicating beverages, within two and a half miles of the Pierce Coal Mines, in section 12, township 14, range 3, west, and also within two and a half miles of New Castle Coal Mines, in Jefferson county.

Penalty.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than one hundred dollars for each offense, and may be imprisoned in the county jail not exceeding sixty days, at the discretion of the court or jury trying the same.

Physicians allowed to prescribe.

SEC. 3. *Be it further enacted*, That the provisions of the foregoing sections shall not be so construed as to prohibit physicians from prescribing spirituous liquors of any kind in their practice, or the use of wine for sacramental purposes, nor shall they be so construed as to prohibit the manufacture, use or disposal in any way of domestic wines; nor

further, so as to prohibit one person from giving to any other person one or more drinks of such liquors in his private residence, if such residence is not in any way connected with or a part of a hotel, store or shop, or other house where public business is carried on or transacted: *Provided*, Such use is restrained within the limits of temperance.

One person may give at his residence.

Approved December 17, 1873.

No. 51.]

AN ACT

Making it unlawful for any person to sell, give, or make use by drinking in a public place, any vinous or spirituous or intoxicating liquors in, at, or within five miles of the town of Centre, the county seat of Cherokee county, and for other purposes as therein shown.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person to sell, give, or make use of by drinking in a public place, any vinous or spirituous or intoxicating liquors, in, at, or within five miles of the town of Centre, the county seat of Cherokee county. A public place within the meaning and intention of this act, shall be understood to be any hotel, storehouse, office, shop, or public buildings, or other place where the public have a right to go, including all the streets, alleys, and commons of said town, also the public square, public well and jail-yard and curtilages, and all the grounds, stables and lots connected with and constituting a part of the premises of the hotel; and any person violating the provision of this section of this act shall be deemed and held to be guilty of a misdemeanor, and subject to indictment, and must, on conviction, be fined in a sum not less than fifty dollars, nor more than one hundred dollars, at the discretion of the jury trying the same, and must stand committed until fine and cost are paid, or secured, and in the event the same is not secured, the court must sentence the defendant to labor for the county for three months.

Prohibition in a public place.

Meaning of "public place."

Penalty.

SEC. 2. *Be it further enacted*, That if any person

Penalty for ap-
pearing intoxi-
cated.

appear publicly in said town, or within five miles of the same, in a state of intoxication from the use of vinous or any alcoholic drink, he shall be deemed guilty of a misdemeanor, and may be arrested by the order or warrant sued out before any justice of the peace of the county, or issued upon his own observation, and fined in a sum not less than one nor more than five dollars for each offense, and to be committed till fine and cost are paid.

When act is of
force.

SEC. 3. *Be it further enacted*, That this act shall go into effect from and after the twenty-second day of December, inst.

Approved December 17, 1873.

No. 52.]

AN ACT

To prohibit the sale or giving away spirituous, vinous or malt liquors within two and a half ($2\frac{1}{2}$) miles of Dudleyville Academy, in the county of Tallapoosa.

Prohibition.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall not be lawful for any person to sell or give away spirituous, vinous or malt liquors within ($2\frac{1}{2}$) two and one-half miles of Dudleyville Academy, in or near the village of Dudleyville, in the county of Tallapoosa, except for medical purposes, as may be prescribed by a physician.

Penalty.

SEC. 2. *Be it further enacted*, That any person or persons who shall violate the provisions of this act shall, on conviction thereof, be fined not less than fifty dollars for every such conviction, at the discretion of the court trying the same.

SEC. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act are hereby repealed.

Approved December 13, 1873.

No. 53.]

AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, or other intoxicating beverages within three miles of Enon, Cumberland Presbyterian Church in Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of spirituous, vinous or malt liquors, intoxicating bitters, or other intoxicating beverages, within three miles of Enon Church, near W. C. Burford, Cumberland Presbyterian in Jefferson county. Prohibition.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty nor more than two hundred dollars, and may be imprisoned in the county jail not exceeding sixty days at the discretion of the court or jury trying the same. Penalty.

SEC. 3. *Be it further enacted*, That the provisions of the foregoing sections shall not be so construed as to prevent physicians from using the enumerated liquors in their practice, or for the use of wine for sacramental purposes; nor shall they be so construed as to prohibit the manufacture or use of domestic wines, or so as to prevent one person from giving to another, one or more drinks of such liquors in his private residence, if such residence is not in any way connected with or part of a tavern, hotel, store, or shop, or other house where public business is carried on or transacted: *Provided* such use does not transcend the limits of temperance. Use of for Medical and sacramental purposes allowed.
Other exceptions.

Approved December 11, 1873.

No. 54.]

AN ACT

To prohibit the sale of vinous or spirituous liquors, within three miles of Smith's Camp Ground, located in the county of Choctaw.

Prohibition.

Penalty.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, or otherwise dispose of any vinous or spirituous liquors, within three miles of Smith's Camp Ground, located in the county of Choctaw, Alabama, and any person or persons so offending, shall be fined not less than fifty nor more than one hundred dollars, and on failure to pay the fine, shall be imprisoned in the county jail or sentenced to hard labor for the county for not longer time than twelve months, at the discretion of the court trying the same.

Approved December 8, 1873.

No. 55.]

AN ACT

To prohibit the sale or otherwise disposing of spirituous, vinous, or malt liquors, within two and one half miles of the "Choctaw Camp Ground," in Choctaw County during certain times.

Prohibition and the period.

Physicians may prescribe.

Penalty.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous, vinous, or malt liquors, or any intoxicating bitters, within two and one-half miles of the "Choctaw Camp Ground," in Choctaw county, for five days previous to and during the continuance of the annual religious services known as camp meetings held at such grounds: *Provided*, That this act shall not prevent physicians from prescribing "spirits" for medicinal purposes during such time.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall

be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty (\$50) nor more than two hundred (\$200) dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not less than two months at the discretion of the jury during the same.

SEC. 3. *Be it further enacted*, That the solicitor shall be entitled to a fee of twenty-five (\$25) dollars Solicitor's fee. for the conviction of each defendant for a violation of this act, to be taxed as cost against each defendant so convicted.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and they are hereby, repealed.

Approved December 3, 1873.

No. 56.]

AN ACT

To prohibit the selling of vinous, spirituous or malt liquors, or intoxicating bitters, within three miles of Piny Grove Church and school house, in Morgan county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any Prohibition. person to sell, or give away vinous, spirituous or malt liquors, or intoxicating bitters, within three miles of Piny Grove Christian Church and school house in Morgan county.

SEC. 2. *Be it further enacted*, That any person Penalty. violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred, nor more than five hundred dollars at the discretion of the court trying the same: *Provided*, This bill shall not prevent physicians from using the same for medical purposes.

Approved Dec. 3, 1873.

No. 57.]

AN ACT

To prohibit the sale of spirituous liquors within three miles of either of the churches in the village of Salem, in the county of Lee.

Prohibition.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the first day of January, 1874, it shall be unlawful for any person or persons to sell or otherwise dispose of any spirituous, vinous or malt liquors within three miles of either of the churches in the village of Salem, in Lee county, and any person so offending shall be fined not less than one hundred, nor more than five hundred dollars, to be recovered before any court having jurisdiction.

Penalty.

Approved Nov. 25, 1873.

No. 58.]

AN ACT

To prohibit the sale, gift or barter of intoxicating liquors within five miles of Jackson Shoals, in Talladega county.

Prohibition.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the date of the passage of this act, it shall be unlawful for any person or persons to sell, give away, or barter any vinous, spirituous or malt liquors, or any bitters of which any intoxicating liquor is a component part, within five miles of Jackson Shoals, on Choccolocco creek, in township seventeen (17), range five (5), in Talladega county.

Penalty.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and must, upon conviction, be imprisoned in the county jail, or sentenced to hard labor for the county for not less than three nor more than six months, and may also be fined not more than five hundred dollars.

Approved Nov. 25, 1873.

No. 59.]

AN ACT

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within two miles of Mount Hilliard Church, in Bullock county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors within two miles of Mount Hilliard Church, in the county of Bullock. Prohibition.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than two hundred dollars, or sentenced to hard labor for the county for not less than two nor more than six months, at the discretion of the court trying the same. Penalty.

Approved December 17, 1873.

No. 60.]

AN ACT

To provide for the payment of the debt of Butler County.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Butler county is hereby authorized and empowered to issue bonds of said county to such an amount as said court shall deem necessary and expedient, not to exceed the sum of twelve thousand dollars, to be issued for the purpose of taking up the bonds of the county which fall due the first of April, 1874, and for the payment of such other indebtedness of the county as shall be outstanding, but exclusive of such claims as are payable out of "fines and forfeiture fund." Authority to issue bonds.

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued by the first section of this Limit of issue.

Period the bonds run and interest.

act shall become due and payable in ten years from the date of issue, and shall bear interest at the rate of eight per cent. per annum, payable semi-annually.

Bonds, how
signed.

SEC. 3. *Be it further enacted*, That all bonds issued under this act shall be signed by the probate judge of said county, and countersigned by the treasurer, and shall have attached thereto coupons signed by the treasurer, and numbered to correspond with the bond, setting forth the amount of interest which will be due at the time named in said coupons, which coupons, when due, shall be receivable in payment of any dues to the county; and both bonds and coupons, when due, shall be paid out of the county treasury whenever presented to the treasurer. The impression of the county seal shall be attached to each of said bonds, but no State stamp shall be required thereon.

What receivable
for.

Bonds to be
registered by
County Treasurer.

SEC. 4. *Be it further enacted*, That the treasurer of said county shall keep a book, in which he shall register the number, description and amount of all bonds issued by him under the provisions of this act; and to whom issued, and the amount received for the same, and he shall issue said bonds on the order *only* of the court of county commissioners of said county.

Purposes for
which the
bonds are alone
to be used.

SEC. 5. *Be it further enacted*, That the bonds issued under the provisions of this act, or the proceeds arising from the sale thereof, shall be used for no other purpose than to pay off and discharge the indebtedness of said county, as provided in the first section of this act.

Exchange at
par for out-
standing bonds

SEC. 6. *Be it further enacted*, That said court of county commissioners are hereby authorized to exchange at *par* any of the bonds issued under this act for bonds now outstanding, and also for such other indebtedness as, by the provisions of the first section of this act, is authorized to be paid out of the proceeds of said bonds, whenever this exchange cannot be made, the bonds must be sold, and the proceeds applied as required by the first section of this act.

Authority to
levy a special
tax.

SEC. 7. *Be it further enacted*, That the said court of county commissioners shall have power, and it is hereby made their duty, to levy, from time to time,

for each and every year, a special tax, sufficient to pay the interest coupons as they become due, and also to create a sinking fund sufficient to redeem the bonds when they become due, which special tax shall be collected in the same manner as other county taxes.

SEC. 8. *Be it further enacted*, That the special tax authorized by this act to be levied, shall be set apart and kept separate and distinct from all other county funds, and shall be applied exclusively to the payment of the principal and interest of the bonds issued under this act, until they are all paid, including the cost of preparing said bonds.

Special tax to be kept distinct from other funds.

Approved December 13, 1873.

No. 61.]

AN ACT

To amend sections 1,314 and 1,317 of the Revised Code of Alabama, so far as the same relates to Calhoun county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1,314 of the Revised Code, which is as follows: "Section 1,314. Proceeding to change, when a new road is to be established or an old road changed, the court must issue an order to seven disinterested householders of the county to view and mark out the best route for such proposed road." Be, and the same is hereby amended so as to read as follows: "Section 1,314. Proceedings to change. When a new road is to be established, or an old road changed, the court must issue an order to three disinterested householders to view and mark out the best route for such proposed road."

Recitation of section 1314.

SEC. 2. "Section 1,317. Damages to owner of land. When a new road is established, or an old road changed, any owner of the land over which it passes may, within six months after the making of an order for the opening of such new road, make application to the court of county commissioners for damages resulting to his land from its establishment, and the court must appoint the viewers, or a jury of seven disinterested householders, who must, before

Recitation of section 1317.

Amended sec-
1317.

acting, be sworn truly to inquire and assess such damages, taking into consideration the advantages and disadvantages which will probably accrue from the road,"—be so amended as to read as follows: "Section 1,317. Damages to owner of land. When a new road is established or an old road changed, any owner of the land over which it passes may, within six months after the making of an order for the opening of such new road, make application to the court of county commissioners for damages resulting to his land from its establishment, and the court must appoint the viewers, or a jury of three disinterested householders, who must, before acting, be sworn truly to inquire and assess such damages, taking into consideration the advantages and disadvantages which will probably accrue from the road.

Approved December 17, 1873.

No. 62.]

AN ACT

To repeal an act entitled an act requiring the justices of the peace of Chambers and Cleburne counties to act as apportioners and supervisors of public roads in their respective beats, approved December 16, 1871, so far as it relates to Chambers county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act requiring the justices of the peace of Cleburne and Chambers counties to act as apportioners and supervisors of public roads in their respective beats, approved December 16, 1871, be, and the same is hereby repealed, so far as it relates to the county of Chambers.

Approved November 26, 1873.

No. 63.]

AN ACT

To repeal an act entitled an act declaring White Water, in Coffee county, a public highway, approved February 29, 1848.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act declaring White Water, in Coffee county, a public highway, approved February 29, 1848, be, and the same is hereby repealed.

Approved December 17, 1873.

No. 64.]

AN ACT

To amend section six hundred and fifty-two (652) of the Revised Code of Alabama, so far as relates to the county of Choctaw.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section six hundred and fifty-two (652) of the Revised Code of Alabama, which reads as follows: "In case of the loss or destruction of the records of deeds, decrees and other papers required by the laws of this State to be recorded in the office of the courts of probate, the judge of such court shall have the same authority as in the preceding sections is conferred upon circuit and chancery courts to establish and substitute such record of deeds, decrees and other papers; and all papers and deeds which may have been recorded in his office according to law, the record of which has been lost or destroyed, may be recorded anew, upon which record the judge of probate shall also enter all such endorsements or certificates as may have been attached to such papers or deeds by the former recording officer, and said records, when so made, shall have the same force and effect as the original records which were lost or destroyed; and for the services herein directed the probate judge shall receive such compensation, to be paid in such manner as the court of county commissioners may allow and direct,"—be so amended, so far as it relates to Choc- Recitation.

Amended sec.
tion.

law county, so as to read as follows: "In case of the loss or destruction of the records of deeds, decrees, and other papers required by the laws of this State to be recorded in the office of the court of probate, the judge of such court shall have the same authority as in the preceding sections is conferred upon circuit and chancery courts to establish and substitute such records of deeds, decrees and other papers; and all papers and deeds which may have been recorded in his office according to law, the record of which has been lost or destroyed, may be recorded anew, upon which record the judge of probate shall also enter all such endorsements or certificates as may have been attached to such papers or deeds by the former recording officer, and said records, when so made, shall have the same force and effect as the original records which were lost or destroyed; and for the services herein directed the probate judge shall receive such compensation as is by law allowed him for recording deeds, decrees and other papers, to be paid by the person having such substitution made.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and they are hereby, repealed.

Approved December 12, 1873.

No. 65.]

AN ACT

To amend an act entitled "An act to authorize the Commissioners Court of Conecuh county to levy a special tax," approved December 10th, 1868, which is as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the Court of County Commissioners' of the County of Conecuh be, and they are hereby authorized to levy a special tax of fifty per cent. on the State tax of said county, in addition to the fifty per cent. allowed to be assessed, to be collected in current funds, to be applied specially to the payment of the grand and petit jurors of said county, and for other special purposes, any law

to the contrary notwithstanding, be amended as follow, to-wit.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of the county of Connecuh be, and they are hereby authorized to levy a special tax of fifty per cent. on the State tax of said county, in addition to the fifty per cent. already allowed to be assessed, to be collected in current funds, and to be applied specially to the payment, 1st, of the grand and petit jurors, 2d, to the payment of the outstanding registered claims against said county, or claims that may hereafter be registered as by law required, commencing with the oldest registered claims now outstanding, and so on through the entire indebtedness of said county. Amended section.
Special tax, how to be applied.

SEC. 2. *Be it further enacted*, That the county treasurer of said county, shall keep the fund arising under this act separate and apart from the general fund, and shall pay it out as provided in the first section of this act. To be kept separate.

SEC. 3. *Be it further enacted*, That for failure or refusal on the part of the treasurer of said county, to keep and pay out the money arising under this act, as provided in the 1st and 2nd sections of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, shall be fined not less than five hundred dollars. Penalty.

SEC. 4. *Be it further enacted*, That said act as it stood before amended be, and the same is hereby repealed.

Approved December 12, 1873.

No. 66.]

AN ACT

To lay off the County of Conecuh into four Commissioners Districts.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county of Conecuh be, and the same is hereby divided into four commis-

What each district shall comprise. sioners districts, and that the following precincts now established by law, shall comprise said districts, to-wit: First District, Mixon's Store, Jackson's Store, and Breckenridge; Second District, Gravella, Evergreen, and Sparta; Third District, Belleville, Brushy Creek Church, and Castleberry's Station; Fourth District, Brooklyn, Jamestown, and Old Town.

One commissioner from each district. SEC. 2. *Be it further enacted*, That whenever it shall become necessary to elect county commissioners for said county in pursuance of law, one commissioner shall be elected for each district by the qualified electors of said county, and the person receiving the highest number of votes in his district shall be declared elected.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved December 11, 1873.

No. 67.]

AN ACT

To authorize the Court of County Commissioners of the County of Covington, to levy a special tax for the payment of grand and petit jurors of said county.

Authority conferred. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of the county of Covington be, and they are hereby authorized to levy a special tax for the payment of grand and petit jurors.

Special tax not to be used otherwise. SEC. 2. *Be it further enacted*, That said taxes when collected shall not be used for no other purpose except that above mentioned.

Approved December 3, 1873.

No. 68.]

AN ACT

To repeal an act to consolidate the offices of tax assessor and collector of the county of Covington, approved February 4, 1850.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to consolidate the offices of tax assessor and collector of Covington county, approved February 4, 1850, be and the same is hereby repealed.

Approved December 3, 1873.

No. 69.]

AN ACT

To repeal an act entitled an act to require the Court of County Commissioners, to publish semi-annual exhibits of receipts and expenditures of money for and on account of their respective counties, approved August 12th, 1868; and to repeal sections 117 and 118 of an act entitled an act, to establish revenue laws for the State of Alabama, approved December 31st, 1868, so far as the same applies to the county of Crenshaw.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to require the court of county commissioners, to publish semi-annual exhibits of the receipts and expenditures of money for and on account of their respective counties, approved August 12th, 1868, and sections 117 and 118 of an act entitled an act to establish revenue laws of the State of Alabama, approved December 31st, 1868 be, and the same are hereby repealed so far as applies to the county of Crenshaw.

Approved December 11, 1873.

No. 70.]

AN ACT

To regulate the publication of legal notices in the
County of Crenshaw.

To be done by
posting alone.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all advertising now required by law to be done by county officers, executors, administrators and guardians in the county of Crenshaw, shall from and after the passage of this act, be made by posting up notices at the courthouse door and three other public places in the county.

How in case of
non-residents.

SEC. 2. *Be it further enacted*, That whenever it is shown by the proceedings in the cause that any of the parties thereto are adults and non-residents of the State; that it shall be the duty of the officer required to give notice, to send by mail or expres, a copy of the notice required to be posted up at the courthouse door, to said party or parties, and the receipt of the postmaster or an express agent shall be evidence that said notice has been given.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved December 11, 1873.

No. 71.]

AN ACT

To define the pay of jurors of Crenshaw county, and
to authorize the commissioners court to levy a
special tax to pay the same.

Pay defined.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That jurors, both grand and petit, of Crenshaw county shall be entitled to receive one dollar and fifty cents per day for each day's service, and no more; and the commissioners court are hereby authorized to levy a special tax to pay the same, which must be set apart for that purpose, and no other.

Special tax may
be levied.

SEC. 2. *Be it further enacted*, That all laws in

conflict with the provisions of this act are hereby repealed.

Approved December 17, 1873.

No. 72.]

AN ACT

To provide weights and measures for the county of Dale.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Secretary of State is hereby authorized and required to furnish to the county of Dale, weights and measures, consisting of one weight of fifty pounds, one of twenty-five pounds, one of fourteen pounds, one of seven pounds, two of four pounds, two of two pounds, and two of one pound, avoirdupois; one measure of one yard, and one of one foot, cloth measure; one measure of a half bushel, one of one peck, and one of one-half peck, dry measure; one measure of one gallon, one of a half gallon, one of one quart, one of one pint, one of one-half pint, and one of one gill, wine measure, in conformity with the standard of measure, length, and weight, established by the Congress of the United States. Secretary of State to furnish

SEC. 2. *Be it further enacted*, That for the expense of obtaining such weights and measures, and furnishing the same to said county, the Auditor must, on the account being certified by the Secretary of State, draw his warrant on the State treasury for the amount certified in such account. Auditor to issue his warrant

Approved December 15, 1873.

No. 73.]

AN ACT

To ratify and confirm the action of the commissioners court of the county of Dallas, in the election of a county physician.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the action of the commissioners

Election ratified.

court for the county of Dallas, in the election of a county physician, and fixing salary for the same, to attend to the county poor and the insolvent prisoners in the jail of said county, as passed by said commissioners court at their regular August term, 1873, be and the same is hereby ratified and confirmed.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

Approved November 25, 1873.

No. 74.]

AN ACT

To enlarge the powers of sheriff in Etowah county, as therein shown.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be lawful for the sheriff of Etowah county in this State to execute all process, including the levying of attachments and *fi. fas.* and making the money thereon, in all civil suits before a justice of the peace or notary public, when the office of constable is vacant in the precinct in which such justice or notary public holds his or their courts.

SEC. 2. *Be it further enacted*, That the said sheriff, so executing such process, shall be entitled to like fees for his services aforesaid, shall be entitled the like fees to which constables are entitled to in similar cases; and the said sheriff and his securities on his official bond shall be subject to the same penalties in the same, and in the same courts as are now by law provided against constables for failure to discharge their duty as such.

SEC. 3. *Be it further enacted*, That before any sheriff is authorized to perform any of the duties hereinbefore specified, he must file his written consent to accept and to discharge all the duties of constable as may be required of him under this act, which written consent must be filed and recorded in the office of the judge of probate in said county, and may withdraw his said consent thereto at any time,

Execute all processes from justices of the peace and notaries public.

Fees.

Liable on official bond.

Must file his written consent &c.

by filing a written withdrawal of said consent in the same office; but no withdrawal shall have the effect of relieving said sheriff or his securities from any default or liability previously incurred.

Approved December 8, 1873.

No. 75.]

AN ACT

To authorize the Court of County Commissioners for the County of Jefferson to issue the bonds of said county for an amount not exceeding fifty thousand dollars for certain purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners for the county of Jefferson be, and they are hereby authorized to issue the bonds of said county of Jefferson to an amount not exceeding fifty thousand dollars, or so much thereof as said court may deem necessary for the purpose of erecting a court house and jail for said county, in sums of one hundred dollars, and payable at such time and place as said court may designate, not exceeding ten years from the date thereof, with coupons attached, bearing interest at the rate of ten per centum per annum, payable to bearer, and receivable in payment of all county taxes. Authority to issue bonds and for what purposes.

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall not be valid until the same have been signed by the judge of probate for said county, and countersigned by the county treasurer, and the seal of the county affixed thereto, and the county treasurer must keep a correct account of all bonds issued and disposed of under the provisions of this act, and all bonds issued under this act shall be exempt from tax on seals, and State, county and municipal taxes. By whom signed.

SEC. 3. *Be it further enacted*, That the commissioners court of said county are hereby authorized to do any and all things authorized by this act Full authority to carry out this act.

which may be necessary to carry out the powers hereby granted, either through themselves, or any agent or agents duly appointed by them for that purpose, at any time of said court, whether at a regular or special term thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said court shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

A special tax
may be levied.

SEC. 4. *Be it further enacted*, That in order to meet the interest upon said coupons, and the principal at maturity, the said court is hereby authorized and required to levy a special tax, from time to time, upon all the property, licenses and businesses subject to a State tax, under the revenue laws of Alabama, situated or located within the limits of said county.

Certain laws re-
pealed.

No other bonds
to be issued.

SEC. 5. *Be it further enacted*, That all laws and parts of laws heretofore in force in said county authorizing said court to issue the bonds of said county of a special or general nature, be, and the same are hereby repealed, and no other bonds shall be issued by said county until the bonds issued under this act shall have been paid and satisfied in full.

Approved December 17, 1873.

No. 76.]

AN ACT

To require the Judge of Probate of the County of Lauderdale to hold monthly terms of the County Court for the trial of misdemeanors.

Monthly terms
required.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the judge of the probate court of Lauderdale county be, and he is hereby required to hold monthly terms of the county court in accordance with section 4031 of the Revised Code of Alabama.

Penalty for fail-
ure.

SEC. 2. *Be it further enacted*, That a judge failing to comply with the provisions of the previous section of this act shall be guilty of a misdemeanor,

and, on conviction thereof, shall be fined not less than two hundred dollars, and removed from office.

Approved December 17, 1873.

No. 77.]

AN ACT

To regulate the fees of Constables in the County of Marengo.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, constables of the county of Marengo are entitled to receive for their services, as hereinafter mentioned, the fees thereto respectively annexed, and no more, to be taxed, collected and paid in the manner provided by law: For serving summons in civil cases, \$1 00; for summoning each witness, 50 cents; for levying or attaching, \$1 50; for levying an execution, \$1 00; for making money on each execution, \$1 00; for carrying debtor to jail, £1 00; for taking bail-bond, bond for the forthcoming of property, or other bond required by law, \$1 00; for summoning jury in justice court, \$2 00; for attending on trial, \$1 00; for keeping property levied on, such sum as the justice believes just and reasonable, out of the money in the hands of the constable or arising from the sale of such property, or received by reason of such levy; in criminal cases, for executing search warrant in day time, \$1 50; for executing search warrant in night time, \$3 00; for executing of any other warrant, \$1 00; for summoning each witness, 50 cents; for conveying a person, upon a warrant of arrest, before a magistrate, or to jail when committed by a magistrate, for himself and each necessary guard, to be proven by the affidavit of the constable, for each mile, 20 cents. Fees specified.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved Dec. 17, 1873.

No. 78.]

AN ACT

To regulate the per diem and mileage of members of the Commissioners Court of Marengo County.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the pay of the county commissioners of Marengo county shall be three dollars per day for each day's attendance upon said court.

Three dollars
per day.

SEC. 2. *Be it further enacted*, That the members of said court shall be entitled to receive five cents per mile in travelling to and returning from said court.

Five cents per
mile.

SEC. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved Nov. 25, 1873.

No. 79.]

AN ACT

To repeal an act entitled "an act to fix the time of holding the Court of County Commissioners of Marengo County," approved November 24th, 1866.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act to fix the time of holding the court of county commissioners of Marengo county," approved November 24th, 1866, be, and the same is hereby repealed.

Approved Nov. 25, 1873.

No. 80.]

AN ACT

In relation to the fine and forfeiture fund of Marion County.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all fines and forfeitures assessed or imposed by any court in the county of

Collectable in
money or
claims in a cer-
tain order.

Marion, shall be collected, by the officer whose duty it is to make such collections, in money or in claims against said fund, in the order in which they are registered.

SEC. 2. *Be it further enacted*, That all claims against the fine and forfeiture fund of said county shall be paid by the county treasurer, out of said fund, in the order in which the said claims have been registered. Claims, how to be paid.

SEC. 3. *Be it further enacted*, That all laws and parts of laws conflicting with or in anywise contravening the provisions of this act be, and the same are hereby repealed.

Approved Dec. 17, 1873.

No. 81.]

AN ACT

To authorize the Commissioners Court of the county of Marshall to allow certain claims against said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of the county of Marshall be, and the same is hereby authorized and empowered to order for registration, as charges against said county, certain claims of Samuel M. Wallace, as deputy sheriff of said county, for services rendered and expenses incurred by him in conveying prisoners from the jail of Madison county to Guntersville, Marshall county, for trial, upon satisfactory proof of the correctness of said claims. To allow claims of Wallace, deputy sheriff.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with or contravening the provisions of this act be, and the same are hereby repealed.

Approved December 15, 1873.

No. 82.]

AN ACT

To amend an act to authorize the county of Montgomery to issue bonds, approved March 7th, 1873.

Recitation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act entitled "An act to authorize the county of Montgomery to issue bonds," approved March 7th, 1873, and which reads as follows, to-wit: "Section 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Montgomery county shall be, and is hereby authorized and empowered to issue bonds of said county to such an amount as said court shall deem necessary, not to exceed the sum of fifty thousand dollars, said bonds to be payable in five years from date of issue, bearing interest, payable semi-annually, at the rate of eight per cent. per annum, and to be issued for the purpose of taking up the bonds of the county to fall due on the first day of January, 1874, and including such other indebtedness as shall be then unpaid and outstanding." "Sec. 2. Be it further enacted, That all taxes and licenses of every description which shall be hereafter collected in the county of Montgomery shall be paid in cash only, in the funds of the United States, or its equivalent par value. This act shall take effect immediately after its passage,"—be, and the same is amended so as to read as follows: "Section 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Montgomery county is authorized and empowered to issue bonds of said county, to such an amount as said court shall deem necessary and expedient, not, however, to exceed the sum of fifty thousand dollars, said bonds to be payable in five years from date of issue, bearing interest, payable semi-annually, at the rate of eight per centum per annum, and to be issued and used for the purpose of taking up the bonds of said county which fall due on the first day of January, 1874, and such other indebtedness of said county as shall be then unpaid and outstanding.

Amended section one.

SEC. 2. *Be it further enacted*, That said court of

county commissioners be authorized and empowered to levy a special tax of one-tenth of one per cent. on all the taxable property in said county, which tax shall be assessed and collected as the other taxes for county purposes, and shall constitute a sinking fund for the ultimate payment of the bonds issued under this act; the said special tax, when collected, shall be paid over by the tax collector to the treasurer of said county of Montgomery, and shall be used by said treasurer in purchasing the bonds issued under this act, or invested by him in bonds of the United States or of the State of Alabama, and said special tax shall not be used for any other purpose than as herein authorized. The said treasurer shall report in writing to the said court of county commissioners the bonds which he may purchase with said special tax, at what rate and from whom, and at what rate and with whom invested, and which report shall be verified by him.

A special tax may be levied.

How to be applied.

Approved December 17, 1873.

No. 83.]

AN ACT

To define the liability of persons living in the town or village of Whistler, in Mobile county, to public road duty.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all male inhabitants over the age of eighteen (18) years, and under the age of forty-five years, living within the confines of the town or village of Whistler, as per map of same made by J. P. Fresimins, and on record in the probate court of Mobile county, be charged a per capita of two dollars (\$2) per annum, except such as are legally exempt.

Subject to "per capita" tax of two dollars.

SEC. 2. *Be it further enacted*, That the per capita of two dollars (\$2) aforesaid shall be paid into the court of county commissioners, or to such officer as may be authorized to receive the same, on or before the first day of March in each year.

To whom said tax is to be paid.

SEC. 3. *Be it further enacted*, That each and every person liable to public road duties failing to

Proof must be made of compliance.

show or render sufficient proof as having complied with the provisions of this act, when warned to work upon the public roads by the overseer, or such officer as may be legally qualified to serve such notice, within five (5) days thereafter, shall not be entitled to the provisions of this act, and shall otherwise be subject to the pains and penalties, as now provided by law, so far as relates to the county of Mobile.

SEC. 4. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved December 17, 1873.

No. 84.]

AN ACT

To fix the terms of office of certain municipal officers in the city of Mobile.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the persons who shall be elected on the Tuesday after the first Monday in December, 1874, to fill the following offices in the city government of Mobile, to-wit, the offices of Mayor, Treasurer, Auditor, Tax Collector, Clerk, and Common Council, shall hold their offices for three years from and after the first of January, 1875, inclusive.

SEC. 2. *Be it further enacted*, That every three years after the election mentioned in the first section of this act there shall be held in Mobile, by the qualified electors of said city, under the then existing election laws of the State, an election to fill the offices mentioned in said section, and the persons chosen at said elections shall hold their offices for three years from and after the first day of January next succeeding said elections respectively.

SEC. 3. *Be it further enacted*, That the aldermen of the city of Mobile who shall be chosen at the election mentioned in the first section of this act shall, from and after the first day of January next succeeding said election, hold their offices as follows, to-wit: One-third of said aldermen shall hold for one year, one third for two years, and one-third for three years; and the said aldermen, at their first

Officers elected
in Decemb'r '74
to hold three
years.

Next election.

Officers hold
three years.

Term of office
of aldermen.

official meeting, or as soon thereafter as expedient, shall decide by lot which of the three aldermen of each ward shall hold for one year, which shall hold for two years, and which shall hold for three years; and there shall be held an annual election in Mobile on the first Tuesday after the first Monday in December, to fill vacancies in the board of aldermen, and the aldermen elected at such annual elections shall hold respectively for three years from and after the first day of January next succeeding such elections: *Provided*, That all vacancies occurring in any of the offices mentioned in this act by death, resignation, or otherwise, in the interval between elections, shall be filled as now required by law.

Decide by lot.

Approved December 13, 1873.

No. 85.]

AN ACT

To provide for increasing the pay of the members of the Court of County Commissioners of Perry county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the members of the court of county commissioners shall receive four dollars per diem for their services. Four dollars per diem.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved December 12, 1873.

No. 86.]

AN ACT

To authorize and define the compensation of the board of equalization of Pike county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of equalization authorized and created by section ninety-seven (97) of the revenue law, approved December 31st, 1868, together with the clerk of the same, so far as relates Not to exceed two hundred dollars per annum.

to Pike county, shall be entitled to a compensation for their services, not to exceed ten hundred dollars per annum the amount so allowed, to be distributed among the members of the board, in proportion to the services rendered by each.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed, so far as relates to Pike county.

Approved December 11, 1873.

No. 87.]

AN ACT

To amend section two (2) of an act entitled an act to amend an act to authorize the commissioners court of Pike county, to collect a tax to pay bridge claims, if in their opinion it is necessary, approved April 15th, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two (2) of an act entitled an act to amend an act to authorize the commissioners court of Pike county, to collect a tax to pay bridge claims if in their opinion it is necessary; which reads thus: Section 2, *Be it further enacted*, That the commissioners court of Pike county be, and they are authorized to have collected a tax, not exceeding forty per cent. of the State tax, as they may deem necessary for the exclusive purpose of paying off claims against said county which have accrued or may accrue on account of public bridges be, and the same is hereby amended, as to read as follows: Section 2. *Be it further enacted* that the commissioners court of Pike county be, and they are authorized to have collected a tax, not exceeding forty per cent. of the State tax, as they may deem necessary for the exclusive purpose of paying off claims against said county, which have accrued or may accrue on account of public bridges, *Provided, however*, the said commissioners court shall not levy and have collected the forty per cent. to pay bridge claims, except in the event no other

Recitation.

Amended section.

Proviso.

tax is levied but the fifty per cent authorized by law for general county purposes.

SEC. 2. *Be it further enacted*, That section two as it stood before the passage of this act is hereby repealed.

Approved December 11, 1873.

No. 88.]

AN ACT

To repeal section 1374 of the Revised Code of Alabama so far as relates to the county of Randolph.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1374 of the Revised Code of Alabama is hereby repealed, so far as relates to Randolph county.

Approved December 3, 1873.

No. 89.]

AN ACT

To repeal an act entitled an act, "to establish a Criminal Court for the county of Russell with "criminal and civil jurisdiction," approved February 26, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to establish a criminal court for the county of Russell, with criminal and civil jurisdiction, approved February 26th, 1872, be, and the same is hereby repealed: *Provided*, That all the records of civil and criminal causes now pending in said court, together with all books, papers, and files pertaining to such civil and criminal causes, shall be transferred by the clerk of said criminal court to the office of the clerk of the circuit court of Russell county, that all persons who are required by any bail, bond, or order of said criminal court, to appear at the next term thereof, shall be required to appear at the next term of the circuit court of Russell county, and that this act shall not be construed as a dismissal or

Court abolished.

Books, papers, &c., to be turned over to clerk of circuit court.

Validity of said
records.

discontinuance of any cause or prosecution on the dockets of said criminal court, but all such cases shall be triable in the circuit court of Russell county, as fully as if they had been originally instituted in said circuit court: *Provided further*, That such records, books, papers and files, so transferred by the clerk of said criminal court to the office of the clerk of the circuit court of Russell county, shall in all respects be taken, held, and located as records of said circuit court, and that all proceedings arising or hereafter to arise in, upon or in relation to any judgment rendered in said criminal court, or upon any bail bond given in said criminal court, shall be had in said circuit court the same in all respects as if the causes in which said judgments were rendered, or bail bonds given had been originally commenced in said circuit court of Russell county.

Approved December 11th, 1873.

No. 90.]

AN ACT

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3d, 1870, so far as the same applies to the county of St. Clair.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act approved March 3d, 1870, entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Cosa, Marion, Jefferson St. Clair, Geneva, Covington, Bibb, Coffee, Dale, and Lawrence, be, and the same is hereby repealed, so far as the same applies to the county of St. Clair.

Approved December 15, 1873.

No. 91.]

AN ACT

To establish an election precinct at Chandler's Spring, in the County of Talladega.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at all general and special elections in the county of Talladega, after the passage of this act, it shall be the duty of the court of county commissioners of said county to order that ballot boxes be opened at Chandler's Spring, in said county. Precinct established. ca.

Approved Dec. 8, 1873.

No. 92.]

AN ACT

To authorize the Court of County Commissioners for the County of Tallapoosa, in this State, to compromise the bonded debt of said county with the Savannah and Memphis Railroad Company, or others holding the bonds of said county, to the said Savannah and Memphis Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners for the county of Tallapoosa be, and they are hereby fully empowered and authorized to compromise its bonded debt with the Savannah and Memphis Railroad Company, or the holders of the bonds heretofore issued by said county to the Savannah and Memphis Railroad Company, and better known as the Tallapoosa Railroad bonds. Authority conferred.

SEC. 2. *Be it further enacted*, That in case any compromise shall be agreed upon under the provisions of this act. it shall be the duty of said court of county commissioners to cause the terms of such compromise to be entered of record in said court, and thereupon they shall order an election to be held in said county for the purpose of allowing the voters in said county to ratify or reject such compromise, and for this purpose, upon the making such order, it shall be the duty of the probate judge to issue a writ of election, directed to the sheriff of Proceedings when a compromise is agreed upon.

said county, stating the terms of such compromise, and ordering an election thereupon, designating the day, which shall not be less than sixty days from the issuance of such writ of election, and thereupon it shall be the duty of the sheriff to publish the same for thirty days in some newspaper published in said county, and appoint returning officers for each beat in the county.

Election, how held and returned.

SEC. 3. *Be it further enacted*, That such election, in all other respects, shall be held and conducted under the laws of this State regulating elections, and the returning officers shall make due returns thereof within forty-eight hours thereafter to the probate judge, who shall, in the presence of at least two of the commissioners of said county, compare and make a count of the ballots and announce the result, which shall be by them duly reported to the court of county commissioners at the next regular term thereafter.

If ratified to be entered of record.

SEC. 4. *Be it further enacted*, That if it is found that a majority of all those voting at such an election have ratified such compromise, it shall be the duty of the commissioners court to cause the same to be entered of record, and thereupon they shall be fully authorized to carry out the terms of such compromise in every respect.

“Ratification” or “rejection” to be on the ballots.

SEC. 5. *Be it further enacted*, That the words “ratification” or “rejection,” as the case may be, shall be written or printed upon the ballots at the election held under the provisions of this act, and the commissioners court shall allow such compensation as they may deem proper to the returning officers and others acting under authority of this act, and said commissioners court are hereby authorized to do all things necessary to carry out the spirit and intention of this act.

Compensation to officers of election.

Approved Dec. 15, 1873.

No. 93.]

AN ACT

To allow compensation to the Tax Assessor of Tus-
kaloosa County for making the copy of the book
of assessment, required by law.

SECTION 1. *Be it enacted by the General Assem-
bly of Alabama*, That the tax assessor of Tuska-
loosa county be allowed such sum as the commis-
sioners court of said county may think just and
proper, for making the copy of the book of assess-
ment, provided by section 2 of an act to establish
additional revenue laws for the State of Alabama,
approved February 26th, 1872, for the past year of
1872 and 1873, and for each succeeding year he may
be required by law to make such copy. Authority to
allow compen-
sation.

SEC. 2. *Be it further enacted*, That such sum as
may be allowed for said services shall be paid by
the treasurer of Tuskaloosa county, upon affidavit
being made by the assessor that such copy has been
made in accordance with law. Before pay-
ment affidavit
required.

Approved Dec. 17, 1873.

No. 94.]

AN ACT

To establish a new election precinct in the county of
Walker.

SECTION 1. *Be it enacted by the General Assem-
bly of Alabama*, That Camp Springs, in precinct No.
3, in the county of Walker, be, and the same is
here established as a place of voting in said pre-
cinct. Precinct estab-
lished.

SEC. 2. *Be it further enacted*, That all laws and
parts of laws in conflict with the provisions of this
act be, and the same are hereby repealed.

Approved December 11, 1873.

No. 95.]

AN ACT

To establish two election preceincts in the county of Washington.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That election precincts are hereby established at Silas Scarborough's, and at Deer Park, on the Mobile and Ohio Railroad, and that said places be hereafter regarded as lawful places of voting at all public elections in said county.

Approved December 11, 1873.

Precinct estab-
lished.

No. 96.]

AN ACT

To repeal an act entitled "An act to regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain cases," approved February 26th, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to regulate the fees of notaries public and justices of the peace for Wilcox county, and to provide for the payment of the same in certain cases," approved February 26, 1872, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved December 3, 1873.

No. 97.]

AN ACT

To authorize the Commissioners Court of Wilcox county to make all claims against said county preferred claims, when they have been incurred for the comfort and health of prisoners confined in the county jail.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Wilcox county may make such claims preferred claims against said county, which are for medicines, medical attention, and clothing and blankets, or any other things necessary for the comfort and health of prisoners that may be confined in the county jail. Authority conferred.

Approved December 17, 1873.

No. 98.]

AN ACT

To abolish the Court of Quarter Sessions of Wilcox county, and to transfer all the cases therein pending, both civil and criminal, together with all the dockets, papers and books of said Court of Quarter Sessions to the Circuit Court of Wilcox county, Alabama, and to provide for an extra term of said Circuit Court to dispose of the business of said Court of Quarter Sessions.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That the court of quarter sessions of Wilcox county, in this State, be, and the same is hereby abolished. Court abolished.

SEC. 2. *Be it further enacted*, That the circuit court of Wilcox county, Alabama, shall have, take and exercise a full and ample jurisdiction of all matters, both civil and criminal, which have been brought in said court of quarter sessions of Wilcox county, and which may be in any way still depending and undetermined in said court of quarter sessions, as if the said causes or matters had been brought or instituted in the said circuit court of Wilcox county. And no causes, indictments, or other Circuit Court to have jurisdiction.

proceedings of any kind shall be discontinued by the abolition of the said court of quarter sessions of Wilcox county, but the circuit court of Wilcox county shall take jurisdiction of all matters which have not been fully and finally disposed of by said court of quarter sessions, and shall exercise jurisdiction and administer justice in the same manner and to the same extent as if such matters or proceedings had been brought to, and were still depending in, the said circuit court.

Processes of
said court re-
turnable to cir-
cuit court.

SEC. 3. *Be it further enacted*, That all process of any and every kind which has been issued from, or made returnable to, the said court of quarter sessions of Wilcox county, shall be returned to and shall be considered and regarded as returnable to the circuit court of Wilcox county, in the same manner and to the same extent as if the same had issued from, and been made returnable to, the circuit court of Wilcox county, Alabama, and all recognizances taken by or made recognizable by the said court of quarter sessions of Wilcox county, shall be taken and construed and shall be enforced by the said circuit court as if taken by said court, or as if they had been made to said circuit court.

All general or
special juris-
diction of said
court conferred
on circuit court

SEC. 4. *Be it further enacted*, That all the general or special jurisdiction and authority which has been by law conferred upon the court of quarter sessions of Wilcox county, is hereby transferred to and conferred upon the circuit court of Wilcox county, Alabama, and the said circuit court of Wilcox county is hereby authorized and required to take and exercise all the jurisdiction in all the matters in the court of quarter sessions which the court of quarter sessions of Wilcox county could have exercised if still in existence, and shall grant all the relief, enforce all the rights and all the obligations which the court of quarter sessions of Wilcox county could or should have done if its existence had continued.

SEC. 5. *Be it further enacted*, That it shall be the duty of the clerk of the court of quarter sessions of Wilcox county to deliver over to the clerk of the circuit court of Wilcox county, Alabama, all the dockets of the said court of quarter sessions of Wilcox county, of every kind, civil and criminal, and

all the papers of every kind in all the causes which have been brought in the court of quarter sessions of Wilcox county, from its organization to the time of such delivery, and he shall deliver over to the said clerk of the said circuit court all the indictments which have been returned into the said court of quarter sessions of Wilcox county from its organization, together with all the capiases issued and all the bonds taken in criminal cases, and all other papers connected with any and all criminal causes and proceedings from the organization of said court of quarter sessions, and all the records and minutes of the said court of quarter sessions of Wilcox county from the organization thereof to the time of delivery, and all other books or papers which appertain to or belong to the said court of quarter sessions of Wilcox county.

SEC. 6. *Be it further enacted*, That the clerk of the circuit court of Wilcox county, Alabama, shall receive and keep all the dockets, records, minutes, papers, and all other things which appertain to said court of quarter sessions of Wilcox county, and the said clerk of the said circuit court is hereby vested with authority to do and perform all acts and discharge all duties in regard to said records, dockets and papers so received by him from the clerk of said court of quarter sessions, which the said clerk of the said court of quarter sessions could or might do if the court of quarter sessions of Wilcox county were still in existence, and all the powers of the clerk of the court of quarter sessions of Wilcox county while it existed being hereby conferred on the clerk of the circuit court of Wilcox county, Alabama.

Clerk of the circuit court to keep the dockets, &c.

SEC. 7. *Be it further enacted*, That the judge of the circuit court of said county shall hold an extra session of said court, commencing on the first Monday in January, A. D. 1874, to dispose of the business of said court of quarter sessions, and that the court of county commissioners of Wilcox county be, and they are hereby authorized to provide for the payment of the expenses, and for the compensation of the judge of the circuit court of Wilcox county, for holding said extra session of the court.

SEC. 8. *Be it further enacted*, That all laws and

parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Dec. 2, 1873.

No. 99.]

AN ACT

To amend section one of an act entitled "An act to incorporate the city of Birmingham, in Jefferson county," approved December 19, 1871.

Recitation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the first section of the above recited act, which is in words and figures as follows, to-wit: "Section 1. Be it enacted by the General Assembly of Alabama, That the city of Birmingham, in the county of Jefferson, be, and the same is hereby incorporated, and all the territory within three thousand feet of the Alabama and Chattanooga Railroad, on each side of the same, extending from Twenty-sixth street, in said city, to the eastern boundary of the city of Elyton," is hereby declared to be within the limits of said corporation,"—be, and the same is hereby amended to read as follows, to-wit: "Section 1. Be it enacted by the General Assembly of Alabama, That the city of Birmingham, in the county of Jefferson, be, and the same is hereby incorporated, and the corporate limits shall embrace all the territory between Ninth avenue, north, and Seventh avenue, south, and Twenty-sixth street and Thirteenth street, as laid off and designated in the plan and survey of said city: *Provided*, That such amendment shall not be so construed as to relieve any parties from the payment of taxes now due: *Provided*, That no spirituous, malt or intoxicating liquors shall be sold between the eastern boundary of the corporation of the town of Elyton and the western boundary of the city of Birmingham, and any person violating this provision of this act shall be guilty of a misdemeanor."

SEC. 2. *Be it further enacted*, That said section one of said act, as it stood before this amendment, be, and the same is hereby repealed.

Approved Dec. 17, 1873

No. 100.]

AN ACT

To incorporate the town of Courtland in the county of Lawrence.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Courtland in the county of Lawrence be, and the same is hereby incorporated, and the corporate limits of said town shall be three-fourths of a mile from the centre of the public square of said town. Incorporation.

SEC. 2. *Be it further enacted*, That on the first Monday in April of each year, to commence at 10 o'clock A. M. and close at 3 o'clock P. M., an election shall be held in said town for the purpose of electing one intendant and five councilmen, and a marshal, who shall hold their offices and serve for the term of one year, or until their successors are qualified; which election shall be held by three householders of said town, to be selected and appointed by the intendant of said town, by posting notice thereof and the time and place of holding the election at the post-office door in said town, for at least fifteen days before the election. All persons within the corporate limits, who are qualified voters for members of the General Assembly, shall be entitled to vote in the said election; and said intendant so elected shall, ex-officio, be a justice of the peace and have all the jurisdiction of notaries public in and for the county of Lawrence, Alabama. Any person dissatisfied with said election of said officers may contest the same, by giving ten days notice to the officers whose election he desires to contest; said contest to be tried before the judge of probate of Lawrence county, Alabama, under the rules and regulations prescribed in article third, chapter fourth, title sixth, of part first of the Revised Code of Alabama; said proceedings for contest to commence within ten days after said election, and any one dissatisfied with the decision of the probate judge may appeal to the supreme court of the State, by giving security for the costs of appeal approved by the said judge, at any time within thirty days after the decision. Election for officers.

SEC. 3. *Be it further enacted*, That said intendant and councilmen shall, by the first Monday after their

Election of
treasurer and
clerk.

Duty of intend-
ant.

Corporate
name.

Powers of
council.

election, proceed to elect a treasurer and clerk, after first taking the following oath, to-wit: "I, A B, (as the case may be) do solemnly swear that I will, to the best of my skill and ability, discharge all the duties incumbent on me as intendant or councilman, as the case may be, so help me God;" which said oath must also be taken by the marshal, treasurer, and clerk, and said oaths must be filed with the records of said corporation; and the said oath may be administered by the intendant, or any councilman, one to the other. It shall be the duty of the intendant to preside at all meetings of said councilmen, to preserve order and decorum, and in his absence or incapacity any councilman may be called to preside. And the intendant and councilmen of said town are hereby constituted a body politic and corporate, by the name and style of the Intendant and Councilmen of the town of Courtland, by which name they and their successors in office shall be capable in law and equity of suing and being sued, pleading and being impleaded, and making contracts in reference to the streets and alleys and other public property belonging to said corporation, and in general to do and perform all acts which are incidental to bodies corporate, and to purchase and hold and dispose of for the benefit of said town, real, personal and mixed property to the value of twenty thousand dollars.

SEC. 4. *Be it further enacted*, That said intendant and councilmen, or a majority of them, are hereby invested with full power to keep open and in good repair all the streets and alleys of said town that they may deem necessary, to preserve peace and order, to fine in assaults and batteries, in a sum not exceeding fifty dollars; to prevent and remove nuisances; to suppress gaming and card playing; to establish night-watches and patrols, and to punish for neglect of patrol duty; to tax shows and exhibitions of all kinds; to tax billiard tables; to tax the sale of spirituous or vinous liquors; to tax the sale of mules, horses and stock in said town; tax peddlers and patent medicine venders; to tax the sale of patented articles by transient traders; to tax the sale of goods, wares and merchandise or other things by transient sellers; to impose a fine of

not exceeding fifty dollars for any violation of the by-laws made and adopted by the said intendant and councilmen, or a majority of them, for the purpose of carrying into effect the powers herein granted, and all other powers for the good government of said town not inconsistent with the laws of this State, which powers are hereby expressly granted said corporation; said intendant and councilmen and marshal are hereby invested with full powers and authority to suppress all affrays, routs, riots, insurrections, unlawful assemblies and breaches of the peace; all lewd, indecent, profane, riotous and disorderly conduct in the limits of said corporation, and to arrest without warrant of arrest any one offending and take him or her forthwith before the intendant, who shall have full power to commit any such offender to the calaboose in said town, unless bond be given for the appearance of such offender before the intendant to answer any charge that may be brought against him or her in such sum not exceeding one hundred dollars, as may be approved by the intendent, and in order to make any such arrest said intendant, marshal and councilmen shall have full power, and the same is hereby granted, to summon any number of male inhabitants of said town, and any person failing or refusing, after being summoned, to aid in making such arrest, shall be deemed guilty of a misdemeanor, and liable to indictment by the grand juries of Lawrence county, and of the law and equity courts of Lawrence county, Alabama, and if found guilty, shall be fined not less than fifty nor more than one hundred dollars, at the discretion of the jury trying the same.

SEC. 5. *Be it further enacted*, That the said intendant and councilmen shall have the power to levy a tax on the property and inhabitants of said town, and a poll tax of not more than two dollars *per capita*, to raise money for the purpose of properly managing the affairs of said corporation; said tax shall be levied upon all the property, both personal, real and mixed, in said corporation, and shall not be higher than at the rate of one half of one per cent., and be an *ad valorem* valuation; *Provided*, That all property of whatever kind in said corpora-

tion exempt from taxation by the laws of Alabama shall not be liable to taxation for said corporation.

Assessment of
property.

SEC 6. *Be it further enacted*, That the marshal of said town shall, on the 1st Monday in June of each year, post a notice at the postoffice door in said town, for ten days, calling upon the tax-payers in said town to make out a list of all their property liable to taxation and furnish the same to him, and each tax-payer shall subscribe an oath that the list given to the marshal is a full and complete list of all his or her property liable to taxation, with the true value thereof, and any one subscribing falsely in reference thereto shall be liable to the pains and penalties of perjury. Any person in said town failing to furnish said list by the 2d Monday in June of each year and making said oath, shall be summoned to appear before the intendant and councilmen, and answer, on oath, touching his or her property and the value thereof, and if, in the opinion of a majority of said intendant and councilmen, any property in said corporation subject to taxation has not been assessed at its true value, or if there be any property in said town belonging to an owner unknown, or to a non-resident, they may assess such property as they may think just and proper, and their decision thereon shall be final. After said list of all the taxable property has been made out by the marshal, he shall subscribe the same in a book kept for that purpose, and said book shall be subject to the inspection of all tax-payers. All taxes shall become due and payable on the first Monday of November of each year, and on the third Monday in November of each year the marshal shall post at the postoffice door in said town a list of all delinquent tax-payers, with the amount of taxes due by each, for the length of ten days, and on the second Monday in December of each year the marshal shall return to the intendant a full list of all delinquents, and it shall be the duty of the intendent to enter up judgment against each delinquent tax-payer for the amount of taxes unpaid in favor of the "intendant and councilmen of the town of Courtland," which judgment shall be a lien upon all the property of said delinquent tax-payer, and no property shall be exempt from the payment of said judgment. Immediately

Collection of
taxes.

upon the rendition of any such judgment, the clerk of said corporation shall issue an execution against the delinquent tax-payer, directed to the marshal, which may be levied upon an property of the delinquent tax-payer. The said marshal shall give notice of the sale of property levied on of ten days, if personal property, and thirty days, if real property, by a notice thereof posted at the postoffice door, in said town. If the property levied on be that of a non-resident, whose property has been levied on by the marshal for delinquent taxes due on the same, then the notice shall be published in some newspaper published in Lawrence county, Alabama, for the length of time above required ; and if there be any property assessed to an owner unknown, upon which the taxes remain unpaid by the first Monday of December of each year, the marshal shall advertise for 30 days in newspaper published in Lawrence county, that he will sell said property for the taxes due on the same, and if real property he shall sell first the N. W. $\frac{1}{4}$ of the same, then the N. E. $\frac{1}{4}$, and then the S. W. $\frac{1}{4}$ and the S. E. $\frac{1}{4}$, until a sufficient amount is made to pay the taxes on the same, and the marshal shall make a deed to the purchaser of said real property of said unknown tax-payer so sold by him, and the marshal shall also make deeds to the property sold by him under and by virtue of the judgment service before mentioned. Any person whose property has been sold by and under the provisions of this act, his, her, or heirs, or legal representatives or assigns may redeem the same at any time within two years of the sale by paying the purchaser the amount of the judgment or taxes, costs, &c., paid by him, with ten per cent. per annum, as well as all improvements made by him.

Sale for non-payment of taxes.

SEC. 7. *Be it further enacted*, That the marshal shall pay all fines and taxes collected by him into the hands of the treasurer and take his receipt therefor, and the treasurer shall not pay out any money except upon the order of the board of intendant and councilmen, and countersigned by the intendant. The marshal and treasurer shall each make a list of all moneys passing through their hands at least three times a year, and post the same and the source whence derived, specifying the items,

Fines and taxes to whom paid over.

Removal of
marshal, treas-
urer and clerk.

at the postoffice door in said town, and for a failure to comply with said duty, the one offending shall be removed from his office by the intendant and councilmen, and for good cause shown, upon due notice, the treasurer, clerk and marshal shall be removed at any time from their offices by a majority vote of said intendant and councilmen, and they shall appoint others in their stead. And for good cause shown, said intendant and councilmen, or councilman, by a majority vote, may remove the intendant or any councilman, upon due notice of such proceeding, and appoint others in their stead. And the said board shall have the power to fill all vacancies that may occur by resignation or death in the board, either intendant or councilman, which shall hold until the next general election for officers of said corporation, and to fix the salaries of the officers of said corporation.

SEC. 8. *Be it further enacted*, That an act entitled an act to incorporate the town of Courtland, in the county of Lawrence, approved February 16th, 1867, be, and the same is hereby repealed: *Provided*, That said act shall remain in force until the first Monday in April, 1874.

SEC. 9. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act shall be, and the same are hereby repealed.

Approved Dec. 16, 1873.

No. 101.]

AN ACT

To amend section two of an act entitled an act to incorporate the town of Guntersville in the county of Marshall.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act to incorporate the town of Guntersville in the county of Marshall, approved December 12th, 1871; which reads as follow, to-wit: "Section 2. *Be it further enacted*, That the corporate limits of the town of Guntersville, shall embrace an area of one mile square, whose center shall be the courthouse on the public

Recitation.

square in said town, and whose boundary lines each of which shall be one mile wide in length, shall run parallel with a corresponding boundary line of the present public square of said town, and be equidistant, east, west, north and south, from the courthouse," be amended so as to read as follows, to-wit:

Section 2. Be it further enacted, That the corporate limits of the town of Guntersville, shall embrace an area of land three-fourths of one mile square, whose center shall be the courthouse on the public square in said town, and whose boundary lines each of which shall be three-fourths of one mile in length, shall run parallel with a corresponding boundary line, of the present public square of said town, and be equidistant, east, west, north and south from the courthouse.

Amended section.

SEC. 2. *Be it further enacted*, That said section 2, as it now stands in the act aforesaid be, and the same is hereby repealed.

Approved Dec. 15, 1873.

No. 102.]

AN ACT

To amend the charter of the Eureka Mining and Transportation Company of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section four of said charter, which is in the words and figures following, viz:

"Section 4. Be it further enacted, That three stockholders shall be elected as Directors of said company, who shall constitute a Board of Directors, who shall select one of their number as President of said company, who shall have power to appoint agents and remove the same at pleasure, and to do all other acts necessary to the successful working of the company subject to the approval of the Board of Directors," be, and the same is hereby amended

Recitation.

so as to read as follows, viz: Section 4. Be it further enacted, That not less than three nor more than seven stockholders shall be elected Directors of said company, by vote of the stockholders of the company, each share of one hundred dollars of the

Amended section.

capital stock being entitled to one vote; but no stock either in his own right or as proxy or agent of others, shall be entitled to cast more than one-fourth of all the votes at any election of Directors. The Board of Directors thus elected shall select one of their number as President of said company, who shall have power to appoint agents and remove the same at pleasure, and to do all other acts necessary to the successful working of the company subject to the approval of the Board of Directors.

Approved Dec. 6, 1873.

No. 103.]

AN ACT

To authorize the stockholders of the Eureka Mining and Transportation Company of Alabama to change the name of said corporation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the stockholders of the Eureka Mining and Transportation Company of Alabama be, and they are hereby authorized, by resolution to change the name of said corporation, and upon the adoption of such resolution said corporation shall be known and called by the name thus adopted: *Provided*, That a copy of said resolution shall be filed in the office of the Secretary of State, and the said resolution shall be recorded in the county where said corporation has its principal office: *And provided further*, That nothing herein contained shall effect the rights or liabilities of said corporation in any manner whatsoever.

Approved Dec. 16, 1873.

No. 104.]

AN ACT

To amend section one of an act entitled an act to incorporate the Elba Manufacturing Company in Coffee County, approved February 10th, 1852.

SECTION 1. *Be it enacted by the General Assem-*

bly of Alabama, That section one (1) of an act entitled an act to incorporate the Elba Manufacturing Company in Coffee county, approved February 10, 1852, and which is in the words and figures as follows, to-wit: "Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Cary Cong, Hosea Holley, Gappa T. Yelverton, J. E. Atheson, William Spears, John Cravey, William Holley and Noah Carroll, their associates and successors be, and they are hereby constituted a body politic and corporate under the name and style of the "Elba Manufacturing Company," and by that name may sue and be sued, plead and be impleaded, may have and use a common seal and alter the same at pleasure, and shall have power to do all acts incident to bodies corporate, and may purchase land and personal property, and dispose of the same for the benefit of the company to such extent as they may deem necessary for the interest of the company, and the successful prosecution of their business of sawing, grinding, and manufacturing articles for sale or use, of cotton, wool, iron or earth," be, and the same is hereby amended so as to read as follows, to-wit: Section 1. Be it enacted by the General Assembly of Alabama, That Gappa T. Yelverton, M. G. Stoudenmire, J. E. P. Flurnoy, and C. S. Lee, their associates and successors, be, and they are hereby constituted a body politic and corporate under the name and style of the "Elba Manufacturing Company," and by that name may sue and be sued, plead and be impleaded, may have and use a common seal and alter the same at pleasure, and shall have power to do all acts incident to bodies corporate, and may purchase land and personal property, and dispose of the same for the benefit of the company to such extent as they may deem necessary for the interest of the company, and the successful prosecution of their business of sawing, grinding, manufacturing articles for sale or use, of cotton, wool iron and wood, or other material.

Recitation.

Amended section.

SEC. 2. *Be it further enacted*, That said section (1) one of said act, as it stood before the passage of this act, be, and the same is hereby repealed.

Approved Dec. 17, 1873.

No. 105.]

AN ACT

To repeal an act entitled "An act to amend an act entitled 'An act to incorporate the Sepulgah River Manufacturing Company, of Conecuh county,'" approved December 31, 1868.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to amend an act entitled 'An act to incorporate the Sepulgah River Manufacturing Company, of Conecuh county,'" approved December 31, 1868, be, and the same is hereby repealed.

Approved December 8, 1873.

No. 106.]

AN ACT

To authorize the purchasers and their assigns of the railroad's corporate franchises, rights and estates of the New Orleans, Mobile and Texas Railroad Company to organize under the corporate name of the New Orleans and Mobile Railroad Company, and to exercise the corporate rights, franchises and privileges of the said company under that name as to the railroads east of the west bank of the Mississippi River.

Authority conferred.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the purchasers of the railroads of the New Orleans, Mobile and Texas Railroad Company be, and they and their assigns are hereby authorized to organize as a corporate body, under the name of the New Orleans and Mobile Railroad Company, and to vest in the said corporation the railroad's corporate rights, franchises, privileges, estates of the New Orleans, Mobile and Texas Railroad Company between and within the cities of New Orleans and Mobile, and east of the west bank of the Mississippi river, and to exercise the corporate rights of the last named company under the name set forth in the title of this act, as granted in the acts of the General Assembly of this State to the said company: *Provided*, That nothing in this

act contained shall be construed as repealing the act constituting the charter of the New Orleans, Mobile and Texas Railroad Company, or as divesting said company of its charter as a corporation, or of any of its property or rights as such, or as exempting it from any judgment recovered against, or any liability incurred by it: *And provided further*, That said New Orleans and Mobile Railroad Company shall not be entitled to the benefit of section 12 of the act entitled "An act to incorporate the New Orleans, Mobile and Chattanooga Railroad Company," approved November 24th, 1866, or the provisions of section 5 of the act to amend sections sixteen and twenty-two of said last mentioned act, approved February 12th, 1867.

Proviso.

Further proviso.

Approved December 17, 1873.

No. 107.]

AN ACT

To amend an act entitled "An act to incorporate the Selma Building and Loan Association."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections second and third of article 2d of an act entitled "An act to incorporate the Selma Building and Loan Association," and which reads as follows: "Each stockholder for each and every share by him or her held shall pay the sum of one dollar in par funds on subscribing, and the same amount on the 4th day of each and every month thereafter, (unless such day occur on Sunday, in which event the payment to be made on the day previous,) to the treasurer, or to such other person or persons as shall, from time to time, by the laws and regulations of the association, be authorized to receive the same, until the whole stock shall be of sufficient value to divide to each share of stock the sum of two hundred dollars." "Section 3. When each stockholder for each and every share of stock by him or her held shall have received the sum of two hundred dollars, then this association shall determine and close: *Provided always*, That any stockholder having received an advance in the man-

Recitation.

Amended
tion.

ner prescribed in article 8, shall be debited in his account with the premium paid thereon,"—be so amended as to read as follows: "Each stockholder, for each and every share by him or her held, shall pay the sum of one dollar in par funds on subscribing, and the same amount on the 4th day of each and every succeeding month thereafter, (unless such day occur on Sunday, in which case the payment to be made on the day previous,) to the treasurer, or to such other person or persons as shall, from time to time, by the laws and regulations, be authorized to receive the same, until the whole stock shall be of sufficient value to divide to each share of stock the sum of one hundred and fifty dollars, or until a majority of the stockholders shall determine, at a special meeting to be called for that purpose by the president, shall determine that such association shall wind up its affairs and cease its operations." "Section 3. When each stockholder for each and every share of stock by him or her held shall have received the sum of one hundred and fifty dollars, or when a majority of the stockholders shall so determine, then this association shall close and be divided: *Provided always*, That any stockholder having received an advance shall be debited in his settlement with the premium paid thereon, and all other stockholders shall be so debited as to equalize the distribution of the assets of said association: *And provided also*, That the liens, mortgages and other choses in action of such association shall be distributed as cash in the payment of the distributive share of such stock, and that the said association, by its treasurer or president, may assign and set over to each of such transferees all the rights and powers given to such association by such liens, mortgages, &c., by virtue of its said charter, and that in such distribution and settlement married females and minors shall be represented by their trustees, and the acts of such trustees, as far as the same are necessary in the premises, shall be in all respects considered as the acts of the legal owners of the stock, as though they were done and performed by *femme soles* and persons of full age.

SEC. 2. *Be it further enacted*, That article eleven of such charter be, and the same is hereby repealed.

Approved December 17, 1873.

No. 108.]

AN ACT

To relieve W. C. Witherington, Tax Collector of
Greene county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That James Kimbrough, the tax collector of Greene county, be, and he is hereby authorized and empowered to proceed and collect all the legally assessed and now uncollected State and county taxes in the county of Greene left uncollected by W. C. Witherington, former tax collector of said county. Present collector to collect taxes left uncollected by his predecessor.

SEC. 2. That for the purpose of enforcing said collections the said James Kimbrough is hereby given all the powers possessed by the tax collector in said county, under the revenue laws of this State, and shall be subject to like penalties for any misbearance or malfeasance in the discharge of such duties. Powers of present collector.

Approved December 17, 1873.

No. 109.]

AN ACT

For the relief of William H. Clemons, tax collector
of Chambers county.

WHEREAS, William H. Clemons, the tax collector of Chambers county, has been forced, under a judgment of the circuit court of Chambers county, Alabama, to pay the sum of two hundred and fifty-seven and 70-100 dollars, on account of taxes illegally collected by him for the year 1872, which said sum had been paid by him in the State and county treasury, of which said sum one hundred and one and 5-100 dollars was for State taxes, and one hundred and fifty-six and 55-100 dollars was for county taxes; therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That on the settlement of the Auditor with William H. Clemons, the tax collector for Chambers county, for taxes due the State from said county for the year 1873, he shall allow the said Auditor to allow a certain credit.

Clemons, as such tax collector, a credit for the sum of one hundred and one and 5-100 dollars; and that the commissioners court of Chambers county, on the settlement of said Clemons for county taxes due said county for the year 1873, be and they are hereby authorized to allow said Clemons, as such tax collector, a credit for the sum of one hundred and fifty-six and 65-100 dollars.

Approved December 15, 1873.

No. 110.]

AN ACT

For the relief of Thomas A. Jones, of Lee county.

Preamble.

WHEREAS, the following described lands, the property of Thomas A. Jones, of Lee county, to-wit: One hundred acres in the northwest quarter of section thirty-five (35), township twenty (20), of range twenty-seven (27), in Lee county, Alabama, were sold for the non-payment of taxes, State and county, in the year eighteen hundred and seventy; and whereas, the taxes, both State and county, and the charges and cost thereon had been paid on said land in full; and whereas, all the taxes have been since regularly paid thereon; therefore,

Auditor to give
a certificate of
redemption.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor of the State be and he is hereby authorized to give to said Thomas A. Jones a certificate of redemption for said lands.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and they are hereby, repealed.

Approved December 8, 1873.

No. 111.]

AN ACT

For the relief of Mrs. Mary Ann Taylor, of Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in consideration of the pay-

ment, by mistake, of Mrs. Mary Ann Taylor as executrix of the last will and testament of Jesse P. Taylor, deceased, of the sum of one hundred and seventeen 22-100 dollars, State taxes, during the years 1869, '70, '71, and '72, upon lands in Montgomery county belonging to others, and paid upon by them, the Auditor of the State be and he is hereby authorized to draw his warrant in favor of the said Mrs. Mary Ann Taylor for the sum of one hundred and seventeen 22-100 dollars. Remission of taxes.

SEC. 2. *Be it further enacted*, That the court of county commissioners for Montgomery county be and it is hereby authorized to refund to Mrs. Mary Ann Taylor any county taxes for the years 1869-70, '71, and '72, paid by her as executrix as aforesaid, by mistake, upon lands belonging to other persons, and upon which such persons paid taxes for said years.

Approved December 17, 1873.

No. 112.]

AN ACT

To authorize Orcine D. Rutledge, of Choctaw county, to redeem certain lands sold for taxes and purchased by the State.

WHEREAS, in the year 1868, the tax collector for Choctaw county, Alabama, sold the following lands, to-wit: East half of northeast fourth of section eleven, township fifteen, range four, west, for the taxes, interest and cost then remaining due and unpaid on said lands for the year eighteen hundred and sixty-seven, assessed to owner unknown, and purchased by the State; and whereas, the tax collector of Choctaw county, in the year eighteen hundred and seventy, sold the same land, with other lands, to-wit: East half of southeast fourth of section one, township fifteen, range four, west, for the taxes and cost for the year eighteen hundred and sixty-nine, assessed to owner unknown, and James Johnson became the purchaser, but said lands were returned as purchased by the State; and whereas, the said James Johnson has paid the taxes on said lands since, and Preamble.

transferred certificate of purchase to Orcine D. Rutledge;

Authority to redeem. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the said Orcine D. Rutledge, or her legal representative, shall have full power and authority to redeem said lands at any time within twelve months from and after the passage of this act, by paying the Auditor the sum of one dollar and eighty cents.

Auditor to issue certificate of redemption. SEC. 2. *Be it further enacted*, That upon the receipt of the money by the Auditor, as aforesaid and provided in the first section of this act, it shall be the duty of said Auditor, under his official seal, to issue a certificate of redemption, which certificate shall convey to the person or persons so reclaiming all the rights, title and interest acquired by the State of Alabama by her purchase at said sale.

Approved December 8, 1873.

No. 113.]

AN ACT

To authorize Mrs. Virginia Owen Green, wife of Thomas F. Green, of the county of Jefferson, to purchase property and to mortgage the same for the security of the unpaid purchase money.

Authority to purchase. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Mrs. Virginia Owen Green, wife of Thomas F. Green, of the county of Jefferson, be authorized to purchase the property known as the "Owen Homestead," in the City of Tuscaloosa, with her separate statutory estate, and may execute a mortgage upon the same, conditioned to secure the balance of the unpaid purchase money to her vendor: *Provided* her husband, Thomas F. Green, shall first in writing consent thereto.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved December 17, 1873.

No. 114.]

AN ACT

For the relief of Mrs. Isabella M. Bradley, wife of Joseph C. Bradley, of Huntsville, Madison county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Mrs. Isabella M. Bradley, wife of Joseph C. Bradley, is hereby authorized and empowered to mortgage her separate estate under the laws of this State, in any manner which she and her said husband may deem advisable for the purpose of securing the payment of any debt or debts contracted by said husband, or which he may hereafter contract, or for the purpose of raising money to pay the same, the object and intent of this act being to confer on the said Isabella M. the same power to sell and convey or mortgage her separate statutory estate, with the advice and consent of her said husband for the purposes aforesaid, which she would have if she were an unmarried woman anything in the laws of this State to the contrary notwithstanding.

Authority to mortgage.

Approved December 15, 1873.

No. 115.]

AN ACT

For the relief of Thomas C. Lanier, guardian of Belton Lanier, a minor.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That E. D. Willes, the trustee in a deed of conveyance for the beneficial use of Belton Lanier, in Pickens county, Alabama, in and to certain lands in Pickens county, be, and he is hereby authorized and empowered to sell said lands at private sale, on such terms as said trustee may think best, for the interest of said minor, retaining a vendors lien, should he sell on a credit of one or more years.

Authority to sell at private sale.

SEC. 2. *Be it further enacted*, That said trustee is empowered to make good and valid title to the purchase, and is further authorized and empowered

Other authority conferred.

upon T. C. Lanier, a citizen of the State of Florida, the father of said Belton Lanier, filing with the probate judge of Pickens county, a duly certified transcript of his appointment, letters and bond as guardian of said Belton, from Sumpter county, Florida, said trustee E. D. Willes, is authorized and empowered to pay over to said Thomas C. Lanier, the money and notes for the purchase money of said lands, and that such payment of money or money and notes to Thomas C. Lanier, shall operate as a final discharge of said trustee, from all liability to account further as such trustee of said Belton Lanier, minor.

Removal of said estate. SEC. 3. *Be it further enacted*, That upon the filing with the probate judge of Pickens county of said appointment, titles and bond, the probate judge aforesaid shall make an order for the removal of said estate of said minor, to the State of Florida, and such order of said court shall operate as a full and final discharge of said trustee from further accounting in said trust matter.

Approved Dec. 17, 1873.

No. 116.]

AN ACT

For the relief of Thomas H. Bailey, of Washington county.

Authority to allow his certain claims. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Washington county, is hereby authorized to allow to Thomas H. Bailey, such pay for his services as clerk of the circuit court of said county, for two years preceding the first of September 1865, as was allowed by section 3043 of the Code of 1852.

Payable out of county treasury. SEC. 2. *Be it further enacted*, That on the allowance of such claim, the same shall be payable out of the treasury of Washington county.

Approved December 11, 1873.

No. 117.]

AN ACT

For the relief of the City of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the city council of Montgomery is hereby authorized to issue certificates of indebtedness to any of its creditors, not exceeding in the aggregate the sum of eighty thousand dollars, which shall bear interest from date and be payable at such time or times as it may determine, not exceeding three years from date, and for the payment of said certificates, should the general revenue of the city be deemed inadequate, the said council may pass ordinances for assessing and collecting any tax or taxes additional to those now authorized upon property of any kind within the limits of the City of Montgomery, not exceeding one-half of one per centum per annum upon the cash value thereof, or upon any business, profession, or pursuit carried on within said city, which shall be deemed adequate to the payment of the said indebtedness within a reasonable time from the passage of this act.

Authority to issue certificates of indebtedness and limit of issue.

Approved December 15, 1873.

No. 118.]

AN ACT

For the relief of the Shapard Hall Female College at LaFayette, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the professors and tutors of Shapard Hall Female College, be, and they are hereby authorized and empowered to grant diplomas to such graduates as they may deem meritorious, in the like manner and form, and for the same purposes that diplomas are granted in the highest institutions of learning; and also to confer upon such other persons as they may deem fit, such degrees of literary distinction as are usually conferred by faculties of literary institutions in the United States.

Authority to grant diplomas

Approved December 15, 1873.

No. 119.]

AN ACT

To legitimate the children of Anna Jones, born before her marriage with Josiah Jones, of the county of Covington.

Children legit-
imated.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the children of Anna Jones, to-wit: Mat. Jones, Wm. H. Jones and Minda Jones, of the county of Covington, are hereby made legitimate, and that said above named children are hereby put on an equal footing as to inheritance of property belonging to Josiah Jones, as the issue of a former marriage of said Josiah Jones.

Approved December 3, 1873.

No. 120.]

AN ACT

For the relief of Giles Kelley, of Coosa county.

Authority to
county commis-
sioners.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Coosa county be, and it is hereby authorized and empowered to appropriate, out of the funds of said county set apart for the feeding and taking care of the paupers of said county, such an amount as, in the discretion of said court, will be sufficient for the relief of Giles Kelley, a deformed person of said county, and that said appropriation be made without requiring him to remain at the poor house of said county.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be. and they are hereby repealed.

Approved December 17, 1873.

No. 121.]

AN ACT

For the relief of Creed Taylor, assignee of John L. Kirby, of the county of Marshall.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of the county of Marshall be, and they are hereby authorized and empowered to order to registration for payment a certain claim allowed to John L. Kirby in the month of August, in the year 1870, and subsequently transferred to Creed Taylor, of said county : if, in the opinion of said court, upon investigation, they believe it is a just and equitable claim against said county.

County commissioners to allow his claim

Approved December 8, 1873.

JOINT RESOLUTIONS.

No. 1.] JOINT RESOLUTION

Instructing our Senators and Representatives in Congress to use their influence to secure to the State the amount due from the United States on account of the claim of 5 per cent. on the lands within the State taken up by land warrants issued by the United States.

WHEREAS, At the last Session of the General Assembly of the State of Alabama, a joint resolution was passed, approved March eighteenth, eighteen hundred and seventy-three, authorizing the Governor of this State to appoint an agent in behalf of the State to prosecute a claim of the State against the United States, arising under sub-division three, section 6, of the act of Congress for the admission of the State into the Union, passed March 2, 1819, to-wit: For 5 per cent. of the nett proceeds of the lands lying within this State, taken up since September 1st, 1819, by land warrants issued by the United States in part consideration for military service, ordered pursuant to the laws of Congress; and

Whereas, The Governor of this State has appointed an agent for the prosecution of this claim, and steps have been taken to press the allowance of said claim at the next session of the Congress of the United States; now therefore,

Be it resolved by the House of Representatives of the State of Alabama, (the Senate concurring).

1. That our Senators and Representatives in Congress be, and they are hereby requested and in-

structed to examine into the merits of this claim at as early a day as possible, and to use their efforts and influence in Congress to secure to the State whatever may be just and due to her from the United States in the premises.

2. That the clerk of this House be, and is hereby directed to forward to each Senator and Representative in Congress a certified copy of this joint resolution.

Approved December 3, 1873.

No. 2.] JOINT RESOLUTION

Of thanks to the city authorities of the cities of Opelika, Birmingham and Talladega.

Resolved by the House of Representatives, (the Senate concurring), That the thanks of the General Assembly of Alabama are hereby rendered to the city authorities of the cities of Opelika, Birmingham and Talladega, for their generous offer of the public buildings of their respective cities lately tendered by them for the use of the State officers and the General Assembly at the present term.

Approved December 3, 1873.

No. 3.] JOINT RESOLUTION,

Relating to the "Patton money."

Be it resolved by the House, (the Senate concurring), That the finance committee of each house jointly do inquire into the cause of the depreciated condition of the State notes, known as the Patton money, and adjust some plan to the General Assembly for their consideration, by which some remedy may be perfected.

SEC. 2. *Be it further resolved,* That said committee report by bill or otherwise.

Approved Dec. 3, 1873.

No. 4.] JOINT RESOLUTION,

To raise a joint committee to inspect the Alabama State Penitentiary, and other places of confinement of convicts, and to inquire into the treatment of the same.

SECTION 1. *Be it enacted by the Senate of Alabama*, (the House of Representatives concurring), That a joint committee of two on the part of the Senate, and three on the part of the House, be appointed to inspect the Penitentiary prison, and the convicts therein; and also the Penitentiary plantation, or other places where Penitentiary convicts are worked, and to inquire into the treatment of the same, and to report to this General Assembly before its adjournment.

Approved Dec. 8, 1873.

No. 5.] JOINT RESOLUTION

Ordering the printing, distribution and preservation of certain Journals therein mentioned.

Be it resolved by the General Assembly of Alabama, That the journals of the proceedings of the bodies of persons, claiming to be the Senate and House of Representatives, respectively, of this State, that assembled as such in the capitol of the State, at Montgomery, on the third Monday (18th) day of November, in the year eighteen hundred and seventy-two, and of their subsequent meetings and proceedings as such until or before the reorganization of the General Assembly of Alabama according to the plan therefor proposed, on behalf of the President of the United States, by the Attorney General thereof, under date of the eleventh day of December, in said year 1872, be printed, published and distributed in the same manner and to the same extent, and that the originals of said journals be kept and preserved in the same manner as have been or may be the journals of the proceedings of the bodies claiming to be the Senate and House of Rep-

representatives, respectively, of this State, that assembled as such in the court rooms of the district court of the United States, in Montgomery, on said third Monday of November, in the year 1872, and of their subsequent meetings and proceedings as such until or before the reorganization aforesaid, and that the publication herein referred to be made in conjunction with the journals of the present session of the General Assembly, together with this resolution ordering the same.

Approved December 12, 1873.

No. 6.] JOINT RESOLUTION

To provide for the payment and discharge of the claims held by the Alabama Insane Hospital and the Alabama Institution for the Deaf and Dumb and the Blind against the State of Alabama, for the quarter of the fiscal year ending on the 30th of September, 1873.

Be it resolved by the Senate of Alabama, the House of Representatives concurring therein, That it is hereby made the duty of the Treasurer of Alabama to pay to the treasurer of the Alabama Insane Hospital the sum of nineteen thousand one hundred and ten dollars (\$19,110) in State certificates, in full discharge of the claim of said Asylum upon the State for the support of the indigent insane for the quarter ending on the 30th day of September, 1873: Provided, Said asylum shall surrender to the Treasurer of the State, to be by him cancelled, all evidences of claim or debt now held by said asylum against the State for the support of said indigent insane for said quarter of the fiscal year aforesaid: And provided further, That the trustees of said asylum for the indigent insane shall account with the Auditor of State for any surplus of the said nineteen thousand one hundred and ten dollars in State certificates which may remain after paying off and discharging the debts of the institution for the quarter ending September 30, 1873.

And be it further resolved, That it is hereby made

the duty of the Treasurer of Alabama to pay to the treasurer of the Alabama Institution for the Deaf and Dumb and the Blind the sum of five thousand four hundred dollars in State certificates, in full discharge of the claim of said institution upon the State for the support of the indigent deaf and dumb and blind for the quarter ending on the 30th of September, 1873: *Provided*, That said institution shall surrender to the Treasurer of the State, to be by him cancelled, all evidences of claim or debt now held by said institution against the State for the support of said indigent deaf and dumb and blind for said quarter of the fiscal year aforesaid: *And further provided*, That the trustees of the Asylum for the Deaf, Dumb and Blind shall likewise account with the Auditor of State for any surplus of the said five thousand four hundred dollars in State certificates which may remain after paying off the debts of the asylum for the quarter ending September 30, 1873.

Approved December 6, 1873.

No. 7.] JOINT RESOLUTION

Making appropriation for a safe in the office of the Secretary of State.

Be it resolved by the House of Representatives, the Senate concurring, That the sum of three hundred and twenty-five dollars (\$325 00) be, and the same is hereby appropriated for the payment of a safe in the office of the Secretary of State, to be paid out of any moneys, not otherwise appropriated, in the State treasury.

Approved December 17, 1873.

No. 8.] JOINT RESOLUTION

Providing for the employment and pay of a Messenger for the Judiciary Committee of the House.

Be it resolved by the House of Representatives, the Senate concurring, That the Judiciary Committee of the House of Representatives is authorized to employ a messenger for said committee, whose pay shall be and is hereby fixed at two dollars per diem during the time he shall be so employed by said committee, and said per diem shall be certified and drawn as is now provided for other employees in said House of Representatives.

Approved December 17, 1873.

A C T S
OF THE
BOARD OF EDUCATION.

SCHOOL LAWS.

No. 1.]

AN ACT

To provide for the publication of the School Laws and proceedings of the Board of Education and Board of Regents at session of 1873.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the Superintendent of Public Instruction be, and he is hereby authorized to have published three thousand copies of the school laws passed at this session of the Board, and such official circulars as he may deem necessary. Threethousand copies of laws.

SEC. 2. *Be it further enacted*, That said Superintendent of Public Instruction be, and he is hereby authorized to have published five hundred copies of the proceedings of the Board of Education and Board of Regents at the present session. Five hundred copies of proceedings.

SEC. 3. *Be it further enacted*, That the sum of one hundred dollars be, and is hereby appropriated to pay J. H. Francis, Clerk of the Board of Education, for preparing said proceedings for publication, and the Superintendent of Public Instruction is authorized to certify said sum to the State Auditor, who shall draw his warrant on the State Treasurer in favor of J. H. Francis for the same. Compensation to clerk.

SEC. 4. *Be it further enacted*, That the Superintendent of Public Instruction be, and he is hereby authorized and required to send by express fifteen Fifteen copies to each member of board.

copies of said proceedings to each member of this Board.

Approved Dec. 5, 1873.

No. 2.]

AN ACT

To provide for the payment of County Superintendents of Education.

Four per cent
of amount al-
lowed on requi-
sition.

Per diem for
visiting schools

Proviso.

Not less than
\$300.

No compensa-
tion for years
prior to 1873-74.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That each county superintendent of education shall receive four (4) per centum of the amount allowed on his quarterly requisition upon the Superintendent of Public Instruction for services performed in accordance with law ; he shall also receive three (3) dollars per diem while actually engaged in visiting schools, and in his quarterly requisition he shall make affidavit of the number of days so engaged in visiting schools: *Provided*, That he shall not receive in any one year more than one hundred dollars for such service in visiting schools : *Provided further*, That no county superintendent of education shall receive less than three hundred dollars for his entire services as county superintendent of education and for visiting schools.

SEC. 2. *Be it further enacted*, That no county superintendent of education shall receive any compensation under this act for any requisition made for moneys which are to be paid out of the school fund for any year preceding the scholastic years 1873 and 1874.

SEC. 3. *Be it further enacted*, That the provisions of this act shall apply to the scholastic year 1873 and 1874 and all subsequent years.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved December 9, 1873.

No. 3.]

AN ACT

Relating to the payment of the salaries of County Superintendents of Education for the scholastic year 1872-3.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama,* That county superintendents of education shall be paid their salaries for the scholastic year 1872-3 out of the fund apportioned to their respective counties for that year, in accordance with the provisions of an act to be entitled "an act to provide for the pay of county superintendents of education," approved Dec. 14, 1871.

Approved Dec. 9, 1873.

No. 4.]

AN ACT

To provide for the removal of county superintendents of education, and for filling vacancies in the same.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama,* That the Superintendent of Public Instruction be, and hereby is authorized to remove any county superintendent of education for any one of the following causes, to-wit: For misfeasance or malfeasance in office, for gross incompetency, immorality or drunkenness. Causes of removal.

SEC. 2. *Be it further enacted,* That the Superintendent of Public Instruction be, and hereby is authorized to fill any vacancy that may occur in the office of county superintendent of education caused by removal, death, resignation or otherwise. Vacancies, how filled.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved December 5, 1873.

No. 5.]

AN ACT

To provide a contingent fund.

Appropriation
of \$1000.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the sum of one thousand dollars be, and is hereby appropriated from the general school fund to provide for the contingent expenses of the Board of Education and Educational Department.

SEC. 2. *Be it further enacted*, That the Superintendent of Public Instruction shall certify to such claims and accounts as he shall order paid out of such contingent fund to the State Auditor, who shall draw his warrant on the State Treasurer for the amount of said claims and accounts, in favor of the persons to whom said claims and accounts so certified are due.

Approved December 5th, 1873.

No. 6.]

AN ACT

To suspend the sale of the 16th sections of lands in certain localities.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the sale of the sixteenth sections of lands in the following counties to-wit: Walker, Jefferson, DeKalb, Etowah, Shelby, Tuskaloosa, Bibb, Blount, Coosa, Cherokee, Winston, Fayette and Marion counties, be, and the same is hereby suspended until after the next session of the Board of Education.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Dec. 9, 1873.

No. 7.]

AN ACT

To repeal an act entitled an act to prevent the employment of teachers unless they can be promptly paid.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That an act entitled an act to prevent the employment of teachers unless they can be promptly paid, approved December 14th, 1872, be, and the same is hereby repealed.

Approved December 6, 1873.

No. 8.]

AN ACT

Making election day a legal holiday.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the day of holding the general election be, and is hereby declared a legal holiday for teachers in free public schools.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved December 5, 1873.

No. 9.]

AN ACT

To fix the length of a scholastic month.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That from and after the passage of this act a scholastic month shall consist of twenty school days, and in computing the time, legal holidays and Saturdays shall not be included. Twenty school days.

SEC. 2. *Be it further enacted*, That the Superintendent of Public Instruction shall prepare blanks for the reports of teachers and school officers, in ac-

cordance with the provision of section one (1) of this act.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved December 6, 1873.

No. 10.]

AN ACT

To provide for filing and adjusting all claims against the Educational Department of the State, which accrued prior to the 1st of October, 1873.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That all county superintendents, teachers of free public schools and all other parties who have claims unpaid against the educational department of the State of Alabama for services rendered prior to the first day of October, 1873, be, and hereby are required to forward to the superintendent of public instruction at Montgomery, Alabama, all such claims, properly made out, with the evidences of said indebtedness, and verified by affidavit of claimant, by the first day of October, 1874.

When barred. SEC. 2. *Be it further enacted*, That all claims mentioned in section one of this act not presented as provided for in said section by the first day of October, 1874, shall be and are hereby barred from collection.

Duty of supt. of public inst'n. SEC. 3. *Be it further enacted*, That it shall be the duty of the superintendent of public instruction of the State of Alabama, and he is hereby required to file in his office all the claims and evidences of the same forwarded under section one of this act, and to turn them over to the Committee on Finance and Claims, at the meeting of the Board of Education in the year 1874.

Duty of county superintendent. SEC. 4. *Be it further enacted*, That each county superintendent of education in this State be required to have this act posted up in three public places in each township of this county.

Approved December 5, 1873.

No. 11.]

AN ACT

To provide that tax collectors in certain contingencies shall perform the duties performed by and imposed on County Treasurers.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That in the event the General Assembly should so amend an act entitled "An act to keep in each county in this State a proportionate share of the public school moneys," approved April 19, 1873, so as to relieve county treasurers of duties imposed by said act of the General Assembly, and impose the duties imposed by said act on tax collectors of each county instead of, as now on the county treasurers, then all the duties imposed on county treasurers by an act passed at the present session of the Board of Education entitled "An act to provide for the disbursement of school funds in the hands of county treasurers and State treasurer," shall be imposed on and performed by tax collectors of each county, and such tax collectors shall in that event receive the same compensation for such services as is now provided for county treasurers in said act passed at the present session of the Board of Education entitled "An act to provide for the disbursement of the school funds in the hands of county treasurers and State treasurer."

SEC. 2. *Be it further enacted*, That in the event the General Assembly shall repeal said act entitled "An act to keep in each county in this State a proportionate share of the public school money," approved April 19, 1873, then the tax collectors of each county shall do and perform all the duties imposed on county treasurers by an act passed at the present session of the Board of Education entitled "An act to provide for the disbursement of school funds in the hands of county treasurers and State treasurer," and said tax collectors shall also do and perform all duties imposed on county treasurers by said act of the General Assembly herein before mentioned, and said tax collector shall in that event receive the same compensation provided for county treasurers by said act passed at the present session of

Contingency.

What duties.

Compensation.

How, if general assembly report.

the Board of Education entitled "an act to provide for the disbursement of school funds in the hands of county treasurers and State Treasurer."

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved December 9, 1873.

No. 12.]

AN ACT

To provide for the disbursement of school funds in the hands of county treasurers and State Treasurer.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That every county superintendent of education shall, at the close of each quarter, or as soon thereafter as possible, make a requisition in duplicate on the Superintendent of Public Instruction, for so much of the annual apportionment of the school fund to his county as is due for services authorized by law, and actually performed during said quarter, as shown by his quarterly report. The Superintendent of Public Instruction shall examine said requisitions, and if the requisitions do not exceed the amount due the several townships, he shall return one of said requisitions to the county superintendent of education approved; and if the requisition for any township is for an amount exceeding the amount due said township, he shall return it corrected and approved for an amount not in excess of the sum due said township. Each county superintendent of education shall be debited by the Superintendent of Public Instruction in his office with the amount of said requisition when approved.

Quarterly requisitions.

Duty of supt. of pub. instruct'n.

County supt. to draw warrants.

SEC. 2. *Be it further enacted*, That each county superintendent of education, on receipt of said approved requisition from the Superintendent of Public Instruction, shall draw warrants in favor of each teacher, or the person named in his requisition, for the amount due said teacher or other person for services authorized by law, and shall take receipts in

duplicate for such warrant or warrants from the same, and shall forward one of said receipts to the office of the Superintendent of Public Instruction, which shall be a voucher for the said county superintendent in his settlement of his accounts of said office.

SEC. 3. *Be it further enacted*, That the warrants drawn by the county superintendents of education upon the county treasurers in favor of teachers shall specify in what township, range and county said teacher rendered service, and out of the fund for what scholastic year and for what race they are to be paid. What to be specified.

SEC. 4. *Be it further enacted*, That the county treasurer of each county shall pay said warrants out of the school moneys in his hands in the order of their presentation. County treasurer to pay said warrants.

SEC. 5. *Be it further enacted*, That the county treasurer of each county, at the end of each quarter of the scholastic year, shall forward to the Superintendent of Public Instruction a statement of the amount of school money received from the tax collector, and the amount received from the State Treasurer, and each county treasurer shall be debited with said amount in the office of Superintendent of Public Instruction. Each county treasurer, at the end of each quarter, shall also forward to the Superintendent of Public Instruction all the warrants paid by him during the quarter, taking a receipt for the same, and said warrants shall be his vouchers for the disbursement of said school money. County treasurer to forward statements.

SEC. 6. *Be it further enacted*, That each county treasurer and county superintendent of education shall make an annual report, showing the operation of their respective offices, and the balance of school money unexpended belonging to their respective counties. Said reports shall be made in accordance with the Instructions of the Superintendent of Public Instruction. Annual report of county superintendent.

SEC. 7. *Be it further enacted*, That the State Auditor shall draw his warrant upon the State Treasurer for all amounts ordered by the Board of Education to be certified to the Auditor by the Superintendent of Public Instruction, and the State Treasurer shall pay said warrants. Duty of State Auditor.

Duty of snpt. of
pub. instruct'n.

SEC. 8. *Be it further enacted*, That as soon as the Superintendent of Public Instruction shall make his supplemental apportionment provided in section fifth of an act of the General Assembly of Alabama, "To keep in each county of this State a proportionate share of the public school money," approved April 19th, 1873, he shall certify to the Auditor the amount due each county, and the Auditor shall draw his warrant on the State Treasurer for said sum in favor of each county treasurer, who shall draw and disburse said money in accordance with the provisions of this act.

Compensation
of county snpt.

SEC. 9. *Be it further enacted*, That each county treasurer shall receive, as compensation for his services, one per centum of all school moneys received and disbursed by him under the provisions of this act, to be by him retained from said moneys so received and disbursed.

Books open to
inspection.

SEC. 10. *Be it further enacted*, That all books and papers of all county officers relating to free public school moneys and matters shall be open to inspection to all public school officers and teachers.

SEC. 11. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Dec. 9, 1873.

No. 13.]

AN ACT

To fix the times and places of the meetings of the Board of Regents of the State University.

Annual meet-
ing.

Limit of ses-
sion.

Other meetings

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the Board of Regents of the State University shall meet annually at the State University, in the city of Tuscaloosa, on Monday before the first Wednesday in July: *Provided*, That the Board of Regents shall only draw per diem for the time they continue in session, not to exceed eight days.

SEC. 2. *Be it further enacted*, That said Board may sit and transact business as such Board of Re-

gents in the city of Montgomery during the sessions of the Board of Education.

Approved December 5, 1873.

No. 14.]

AN ACT

To prescribe and regulate the compensation of the members of the Board of Regents of the State University.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the members of the Board of Regents of the State University shall receive, while sitting as a Board of Regents, at the State University, as compensation, three dollars per diem while in session as such Board, and three dollars for every twenty miles traveled in going to and returning from the sessions of such Board, to be paid in national currency, or its equivalent, the distance to be determined by the affidavit of the respective members: *Provided*, They shall receive compensation for not more than eight days.

Compensation
at annual ses-
sion.

Proviso.

SEC. 2. *Be it further enacted*, That the per diem and mileage provided in the first section of this act shall be paid out of the University fund, upon the certificate of each member.

Approved December 5, 1873.

No. 15.]

AN ACT

To repeal an act entitled "An act to provide for the education of teachers of colored schools," approved December 20, A. D. 1871.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That an act entitled "An act to provide for the education of teachers of colored schools," approved the 20th day of December, A. D. 1871, be, and the same is hereby repealed.

Act repealed.

SEC. 2. *Be it further enacted*, That this act re-

When to take
effect.

pealing the said act hereinbefore mentioned shall take effect and become operative on and after the first day of January, A. D. 1874.

Approved December 9, 1873.

No. 16.]

AN ACT

To amend the title and section 1 of an act entitled an act to establish a normal school at Florence, Alabama, for the education of white male teachers.

Recitation.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the title and section one (1) of the above recited act, which is in words and figures as follows, to-wit: "An act to establish a normal school at Florence, Alabama, for the education of white male teachers. Sec. 1. Be it enacted by the Board of Education of the State of Alabama, That if the president and trustees of the Florence Wesleyan University shall, by January 25, 1873, cause to be deposited with the State Superintendent of Public Instruction, a deed to the grounds and buildings of the Florence Wesleyan University, which deed shall be in favor of the Board of Education of the State of Alabama, then by the first day of October, 1873, and in consideration of the above named deed, there shall be permanently established in said University buildings, a school for the education of white male teachers, which shall be taught on such conditions and under such restrictions as may be hereafter prescribed by law; *Provided*, That any pupil may be released from all obligations to teach by paying a moderate tuition for the time he may attend the school; *Provided further*, That as an additional consideration for the above named deed, that there shall be annually appropriated and set apart from and after the first day of October, 1873, at least five thousand dollars of the general educational fund of the State apportioned to the whites for the support and maintenance of said school; *Provided further*, That the grounds and buildings of the said Florence Wes-

leyan University shall remain in the possession, and under the control of the said president and trustees, free of all charges for rent or use until October 1st, 1873,"—be and the same is hereby amended so as to read as follows, to-wit: An act to establish a normal school at Florence, Alabama, for the education of white male and female teachers. Section as amended. Section 1. Be it enacted by the Board of Education of the State of Alabama, That if the president and trustees of the Florence Wesleyan University shall, by January 25th, 1873, cause to be deposited with the State Superintendent of Public Instruction a deed to the grounds and buidings of the Florence Wesleyan University, which deed shall be in favor of the Board of Education of the State of Alabama, then by the 1st of October, 1873, and in consideration of the above named deed, there shall be permanently established in said University buildings a school for the education of white male and female teachers, which teachers shall be taught on such conditions and under such restrictions as may be hereafter prescribed by law; *Provided*, That any pupil may be released from all obligations to teach by paying a moderate tuition for the time he or she may attend the school; *Provided further*, That as an additional consideration for the above named deed, that there shall be annually appropriated and set apart, from and after the 1st day of October, 1873, at least five thousand dollars of the general educational fund of the State apportioned to the whites for the support and maintenance of said school; *Provided further*, That the grounds and buildings of the said Florence Wesleyan University shall remain in the possession and under the control of the said president and trustees, free of all charges for rent or use until October 1, 1873.

SEC. 2. *Be it further enacted*, That the title and section one of the above recited act, amended by this act, and inconsistent with this amendment, is hereby repealed.

Approved December 5, 1873.

No. 17.]

AN ACT

To establish a State normal school and university for the education of colored teachers and students.

Contingency.

State normal school and university established.

Provisos

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That if the president and trustees of Lincoln School, located at Marion, shall place at the disposal of the Board of Education the school building for the use of said normal school and university, in accordance with articles of agreement that may be entered into between the president and trustees of said Lincoln School and the directors hereinafter named, there shall be permanently established in said school building a State normal school and university for colored teachers and students, and said normal school and university shall be organized and operated under such restrictions and on such conditions as may be provided by law; *Provided*, That any pupil may be released from all obligation to teach by paying a moderate tuition for the time he may attend the normal school and university; *Provided*, That as an additional consideration for the above named use of said school building, there shall be annually appropriated and set apart, from and after the first day of January, 1874, two thousand dollars of the general educational fund apportioned to the colored race for the support and maintenance of said normal school and university; *Provided*, That no portion of said sum shall be used for any other purpose whatever than the payment of teachers of said normal school.

Board of directors.

Name and style

SEC. 2. *Be it further enacted*, That Porter King, John Harris, Joseph H. Speed, A. H. Curtis, John Dozier, J. H. Sears, John T. Foster, shall constitute a board of directors, which shall be known by the name and style of the Board of Directors of the State Normal School and University for the colored race, and said directors shall hold their office at the pleasure of the board, and shall receive no compensation.

Vacancy, how filled.

SEC. 3. *Be it further enacted*, That any vacancy in said board of directors, caused by death, resignation, or otherwise, shall be filled by the remaining members, subject to the approval of the board.

SEC. 4. *Be it further enacted*, That the board of directors provided for in this act shall meet in the Meeting of the board. Lincoln School building, at Marion, at such time as may be designated by the Superintendent of Public Instruction not exceeding sixty days after the passage of this act, and at such other times and places as the board may appoint.

SEC. 5. *Be it further enacted*, That at their first Election of officers. meeting, the members of the board of directors shall choose one of their number as president of their own board, who shall not vote on any question except in case of a tie; and they shall elect a secretary and treasurer, and they shall take such bond from such treasurer as they shall deem sufficient and adequate to secure the faithful performance of his duties, at least double the amount that he may have in hand at any one time; said bond to be approved by the county superintendent and probate judge of Perry county, and a certified copy thereof shall be filed in the office of the Superintendent of Public Instruction. The secretary and treasurer shall be chosen annually, and shall hold their offices until their successors are elected and qualified.

SEC. 6. *Be it further enacted*, That the board shall, Disposal of all moneys. under the restrictions and limitations of this act, direct the disposal of any and all moneys appropriated to said school, and shall prescribe the duties of the secretary and treasurer thereof.

SEC. 7. *Be it further enacted*, That it shall be the duty of said board to organize a normal school upon the most approved plan, and in connection therewith a university department, in which such a course of instruction shall be established as shall meet the wants of the colored race, and provide for their education in the higher departments of learning, it being the intent and purpose of this act to provide for the liberal education of the colored race in the same manner as is already provided for the education of the white race in our university and colleges. The board of directors shall elect a president and a sufficient corps of instructors, who shall constitute the faculty of said normal school and university; and shall adopt such rules and regulations as may be necessary for the organization and Organization of the school and university.

successful operation of said normal school and university, and the faculty shall have power to pass all rules and regulations necessary for the discipline of said institution, subject to the approval of the board of directors.

President to
make an annual
report.

SEC. 8. *Be it further enacted*, That the president of the board of directors shall make a full and complete annual report to the Board of Education, through its president, of the operations of said normal school and university, specifying the number of pupils, the number of professors or teachers, the amount of salary of each, the amount of money received and disbursed, and such other information as may be required by law.

Admission of
applicants.

SEC. 9. *Be it further enacted*, That applicants for admission to said normal school and university shall be not less than fourteen years of age, and shall sustain a satisfactory examination in such studies as may be required by the faculty.

As to free tuition.

SEC. 10. *Be it further enacted*, That students shall be admitted from any portion of the State, and shall receive instruction free of charge for tuition, upon signing a written obligation to teach at least two years in the public schools of Alabama, and said obligation shall be filed in the office of Superintendent of Public Instruction: *Provided*, That any student may be released from said obligation by paying such tuition as may be established by the board of directors.

Proviso.

State certificate
of graduation.

SEC. 11. *Be it further enacted*, That upon the completion of the prescribed course of study in said normal school and university, and after sustaining a satisfactory examination, upon the recommendation of the president, approved by the board of directors, the Superintendent of Public Instruction shall issue a State certificate to the graduates of said normal school and university.

Public school
in connection.

SEC. 12. *Be it further enacted*, That in connection with said normal school and university there may be established a public school or other school.

Money due;
how to be ob-
tained.

SEC. 13. *Be it further enacted*, That the money appropriated and due to said school shall be certified semi-annually by the Superintendent of Public Instruction to the State Auditor, upon application of the president of the board of directors, and the State

Auditor shall thereupon draw his warrant upon the State Treasurer in favor of the treasurer of said normal school and university, for the amount thus certified.

SEC. 14. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Dec. 6, 1873.

No. 18.]

AN ACT

To provide for a Colored Normal School at Huntsville, in Madison county, in the State of Alabama.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That there shall be established at Huntsville, in this State, a normal school for the education of colored teachers. Pupils shall be admitted free of charge for tuition in said school, on giving an obligation in writing to teach in the free public schools of this State for two years after they become qualified. Said school shall not be begun or continued with a less number than twenty-five pupils, nor shall said school be taught for a less period than nine months in each year.

School authorized.

Pupils free on condition.

Term of session.

SEC. 2. *Be it further enacted*, That there be, and is hereby, appropriated out of the general school fund appropriated to the colored children, the sum of one thousand dollars annually for the maintenance and support of said school, and that the apportionment of the general fund for the colored race shall be made to the different counties of this State after the deduction of said sum of one thousand dollars herein appropriated for said school at Huntsville.

Appropriation of fund.

SEC. 3. *Be it further enacted*, That said school be under the direction, control and supervision of a board of three commissioners, who shall consist of the following persons, to-wit: James W. Steele, Joseph C. Bradley and Larkin Robinson, who may fill any vacancy that may occur in said board of commissioners. Said commissioners shall elect one

Board of commissioners.

Make report.

of their number chairman, who shall report annually to the Board of Education how many pupils have been in attendance at said school, what branches have been taught, and all other facts of interest and importance appertaining to said school, and said commissioners shall make a like report quarterly to the Superintendent of Public Instruction.

Chairman to give bond.

SEC. 4. *Be it further enacted*, That the chairman of said board of commissioners shall give bond in double the amount of said appropriation to said school for the legal and faithful application of the sum appropriated by this act, said bond to be approved by the judge of probate of Madison county, and a certified copy thereof shall be sent to the Superintendent of Public Instruction to be filed in his office.

Chairman to present a requisition.

SEC. 5. *Be it further enacted*, That the chairman of said board of commissioners, after having given bond as hereinbefore prescribed, and said bond shall have been approved as herein provided, and a certified copy thereof filed in office of Superintendent of Public Instruction, shall present to the Superintendent of Public Instruction a requisition for the amount herein appropriated, namely, one thousand dollars, and the Superintendent of Public Instruction shall thereupon certify the said amount of one thousand dollars to the State Auditor, who shall draw his warrant for said sum on the State Treasurer, payable to said chairman of said board of commissioners, for the maintenance and support of said normal school.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Dec. 9, 1873.

No. 19.]

AN ACT

To ratify the removal of E. J. Morgan, and the appointment of P. D. Barker, as Superintendent of Education for the county of Dallas.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the removal by the Superintendent of Public Instruction, of Edward J. Morgan, from the office of superintendent of education for the county of Dallas, on account of drunkenness, on the first day of July, 1873, and the appointment by him of P. D. Barker to said office on the 9th day of July, 1873, be, and the same are hereby in all things ratified and confirmed, and that the said P. D. Barker be, and he is hereby declared to be the superintendent of education for the county of Dallas from the time of his appointment and qualification.

Approved Dec. 5, 1873.

No. 20.]

AN ACT

To legalize the action of the trustees of township 17, range 5, east, Marengo county in opening and operating the free public schools for the year 1872-73.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the action of trustees of township 17, range 5, east, Marengo county, in using the funds arising from the rent of the sixteenth section fund for the purpose of operating two colored schools on the basis of fifty dollars per month, for the salary of the teachers of the two colored schools, and sixty dollars per month for the salary of the teacher of the white school in said township during the year 1872-73, be, and the same is in all things ratified and confirmed.

Action legaliz'd

Basis of allowance.

SEC. 2. *Be it further enacted*, That the superintendent of Marengo county is hereby authorized and required to settle with said teachers in accordance with the provisions of section 1 (one) of this

County supt. to settle with the teachers.

Proviso.

Further provi-
so.

act: *Provided*, That none of the surplus now on hand of said 16th section fund shall be used except the amount to be apportioned and belonging to the colored citizens of said township who sign a relinquishment to the same: *And, provided further*, That the amount so used shall be distributed *pro rata* among those who sign such relinquishment.

Approved December 6, 1873.

No. 21.]

AN ACT

To legalize the acts of the township trustees of township 5, of range 6, east, of Jackson county

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the contract for drawing off a lake in section 16, of township 5, of range 6, east, in Jackson county, made and entered into April 1873, between Thomas B. Parks, and B. W. Tipton, trustees of said township and range, and one Nathaniel McCurdy, be, and the same is hereby ratified.

Approved Dec. 9, 1873.

No. 22.]

AN ACT

To authorize the Superintendent of Education of Perry county, to settle the accounts of Josephine Thomas, Mary F. Thomas, B. R. Thomas, C. J. Thomas, John Dozier, G. S. W. Lewis, Mrs. Matt. Smite, Mrs. Bethre Obering.

Authority con-
ferred,

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the superintendent of education of Perry county is hereby authorized and required to ascertain the amounts due Josephine Thomas, Mary F. Thomas, B. R. Thomas, C. J. Thomas, John Dozier, G. S. W. Lewis, Mrs. Matt. Smith, Mrs. Bethre Obering, for services rendered in the free public school in accordance with law, in the county of Perry, and he

shall pay the amounts due said persons above named out of any funds for the year 1871, due the respective townships in which they taught. Out of funds of 1871.

Approved December 9, 1873.

No. 23.]

AN ACT

To pay Jas. L. Tait, for services rendered in examining the mineral sixteenth sections.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the sum of five hundred dollars be, and the same is hereby appropriated out of any unexpended money belonging to the school fund or so much thereof is necessary, to pay Jas. L. Tait for services rendered in pursuance of an order of this Board in examining mineral sixteenth sections. Appropriation of \$500.

SEC. 2. *Be it further enacted*, That the Superintendent of Public Instruction, is hereby authorized and required to examine the claim of same Jas. L. Tait, and he shall certify the amount due him for said services specified in section one of this act, to the Auditor, who shall draw his warrant for said amount so certified upon the Treasurer, who shall pay the warrant out of the money appropriated in section one (1) of this act.

Approved December 9, 1873.

No. 24.]

AN ACT

For the relief of the widow of Bryce M. Almond.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the county superintendent of education of Marengo county, is hereby authorized and required to pay to the widow of Bryce M. Almond, the amount due said Bryce M. Almond, deceased, for services rendered as teacher of free public colored school No. 1, in township 17, range 4, east, as shown by his reports, and Authority conferred.

that the receipt of the widow of said Bryce M. Almond, for the money paid to her and due said Bryce M. Almond, deceased, shall be a legal voucher to the county superintendent of education of Marengo county, in his settlement of his accounts with the Superintendent of Public Instruction.

Approved December 9, 1873.

No. 25.]

AN ACT

For the relief of Mrs. Georgia Sims, of Chambers county.

Authority to
county supt. SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That T. W. Green, county superintendent of education for Chambers county be, and the same is hereby instructed to pay to Miss Georgia Sims, the sum of sixty dollars, for services rendered as teacher in the year 1872, out of any unexpended funds in his hands for said year belonging to township twenty, and range twenty-seven of Chambers county.

Approved Dec. 6, 1873.

No. 26.]

AN ACT

To provide for the relief of Miss D. W. Caller.

Authority to
county supt. SECTION 1. *Be it enacted by the Board of Education of the State of Alabama*, That the superintendent of education for the county of Clarke, be, and he is hereby instructed to pay out of any unexpended school funds belonging to township 6, range 4, east, of said county for the year 1872, the claim of Miss D. W. Caller, for the sum of eighty dollars, for services rendered by her as teacher in the year 1872.

Approved December 5, 1873.

No. 27.]

AN ACT

For the relief of Miss V. C. Law, of Clarke county.

SECTION 1. *Be it enacted, by the Board of Education of the State of Alabama,* That the superintendent of education of Clarke county, be, and he is hereby instructed to pay the claim of Miss V. C. Law, for the sum of sixty-four dollars for services rendered as teacher during the first term of scholastic year 1873, before the public schools of said year were ordered closed, out of any unexpended funds due township eleven (11), range one (1) west, of said county for the year 1873. Authority to county supt.

Approved December 5, 1873.

No. 28.]

AN ACT

For the relief of W. J. Johnson, of township 12, range 2, east, Clarke county.

SECTION 1. *Be it enacted by the Board of Education of the State of Alabama,* That the superintendent of education for Clarke county, be, and he is hereby instructed to pay out of any unexpended funds due township 12, range 2, east, of said county for the year 1873, the claim of W. J. Johnson, for forty dollars for services as teacher, rendered during said scholastic year before the public schools of said year were closed. Authority to county supt.

Approved December 5, 1873.

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OFFICE SECRETARY OF STATE,)
MONTGOMERY, ALA., Jan. 30, 1874. }

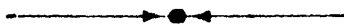
I certify that the foregoing Acts, Resolutions and Memorials
are correct copies from the original rolls on file in this office.

NEANDER H. RICE,
Secretary of State.

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ERRATA.

Act No. 77, page 115, after "Marengo" in the caption, read "and Dallas"; and in line 3, of section 1, for "County of Marengo" read "counties of Marengo and Dallas."

Printed Volume, Acts of 1872-73.

Act No. 28, page 68, line 13, before the words "the deceased," read "the estate of." Act No. 63, page 112, line 1, for "laws," read "law"; and in line 2, page 112, before "changed," read "the same is."

OFFICERS AND MEMBERS

OF THE

GENERAL ASSEMBLY OF ALABAMA,

SESSION 1873.

NAME.	POSTOFFICE.	COUNTY.
McKinstry, A., Lt. Governor and President...	Mobile	Mobile.
Woods, M. L., Secretary..	Birmingham...	Jefferson.
Garrett, B. F. Ass't Sec'y.	Bradford	Coosa.
Chardavoyne, W. V., Engrossing Clerk.....	Montgomery...	Montgomery.
Chardavoyne, L. B., As't "	Montgomery	Montgomery.
Taylor, Thomas, Assistant Engrossing Clerk..	Opelika	Lee.
Graham, J. H., Enrolling Clerk.....	Marion.	Perry.
Clanton, W. H., Assistant Enrolling Clerk...	Montgomery...	Montgomery.
Clarke, R. C., Door-Keeper.	Wetumpka....	Elmore.
Woods, A. P., Page.....	Birmingham...	Jefferson.
Hails, C., Page.....	Montgomery...	Montgomery.
Sykes, S., Page.....	Montgomery...	Montgomery.
Cothrun, W., Page.....	Centre.....	Cherokee.
Black, Jacob, ... Senator..	Eufaula	Barbour.
Carmichael, J. M. "	Ozark	Dale.
Cobb, R. W. "	Helena	Shelby.
Coleman, Daniel.. "	Athens.....	Lauderdale
Cooper, Thos. B.. "	Centre.....	Cherokee
Cunningham, A.. "	Talladega	Talladega.

NAME.		POSTOFFICE.	COUNTY.
Curtis, A. H.	Senaotr.	Marion	Perry..
Dereen, J. W.	"	Demopolis.	Marengo.
Doster, C. S. G.	"	Prattville	Autauga.
Driesbach, J. D. ...	"	Mt. Pleasant...	Baldwin.
Edwards, W. H. ...	"	Chepultepec...	Blount.
Ervin, R. H.	"	Camden	Wilcox.
Glass, W. W.	"	Tuskegee	Macon.
Goodloe, J. C.	"	Cherokee	Colbert.
Grayson, J. W. ...	"	Huntsville	Madison.
Hamilton, Peter. .	"	Mobile	Mobile.
Haralson, Jere. ...	"	Selma	Dallas.
Harris, B. W.	"	Columbus, Ga. .	Russell.
Hatch, C. W.	"	Greensboro	Hale.
Hewitt, G. W.	"	Birmingham....	Jefferson.
Jones, J. W.	"	Hayneville.	Lowndes.
Leftwitch, Lloyd. .	"	Falkland	Greene.
Little, W. G., jr. .	"	Livingston	Sumter.
Martin, John M. .	"	Tuskaloosa	Tuskaloosa.
Miller, Wm., jr. .	"	Greenville.....	Butler.
Parks, W. H.	"	Troy	Pike.
Pennington, J. L. .	"	Opelika.....	Lee.
Robinson, J. J. ...	"	LaFayette	Chambers.
Royal, B. F.	"	Union Springs..	Bullock.
Snodgrass, A.	"	Scottsboro.....	Jackson.
Terrell, John A. .	"	Dadeville	Tallapoosa.
Walton, S.	"	Desotoville.....	Choctaw.
Wilson, A. P.	"	Montgomery	Montgomery.

NAMES

OF

REPRESENTATIVES AND THEIR POSTOFFICES.

NAME.	COUNTY.	PORTOFFICE.
Lewis E. Parsons, Speaker..	Talladega...	Talladega.
Robert Barber, Clerk.....	Montgomery	Montgomery.
W. V. Turner, Ass't Clerk..	Elmore.....	Wetumpka.
D.L. Dalton, Journal Clerk.	Montgomery	Montgomery.
S. Barnard, Ass't Jour. Cl'k.	Elmore.....	Wetumpka.
Philip Joseph, Eng. Clerk..	Mobile.....	Mobile.
W.H. Council, Ass't Eng Clk.	Madison	Huntsville.
J. E. Harwell, Enrolling Clk.	Montgomery	Montgomery.
F. M. Shouse, Asst Enr. Clk.	Talladega...	Talladega.
M. G. Candee, Door-keeper.	Wilcox	Camden.
S. D. Oliver, Serg't-at-Arms.	Elmore	Wetumpka.
J. G. Oliver, Page.....	Elmore.....	Wetumpka.
Stephen Russell, Page.....	Montgomery	Montgomery.
Thos. Abercrombie, Page...	Montgomery	Montgomery.
Robert Cook, Page.....	Montgomery	Montgomery.
Anderson, D. C.....	Mobile.....	Mobile.
Ash, George W.....	St. Clair.....	Ashville.
Barnett, S. H.....	Monroe	Monroeville.
Barrow, J. H.....	Chambers...	West Point, Ga.
Barton, Jonathan.....	Winston....	Larissa.
Boyd, R. K.....	Marshall....	Guntersville.
Brewer, Leroy.....	Mobile.....	Mobile.
Broadnax, C.....	Crenshaw...	Mount Carmon.
Brown, J. E.....	Jackson	Scottsboro.
Brown, N. H.....	Tuskaloosa..	Tuskaloosa.
Bruce, John.....	Wilcox	Prairie Bluff.

NAME.	COUNTY.	POSTOFFICE.
Carson, W. E.....	Lowndes....	Mount Willing.
Chapman, J. C.....	Clarke.....	Point Jackson.
Clarke, T. J.....	Barbour....	Clayton.
Clarke, P. G.....	Perry.....	Uniontown.
Clopton, N. V.....	Butler.....	Greenville.
Cloud, N. B.....	Montgomery.	Montgomery.
Cochran, Henry.....	Dallas.....	Selma.
Cockrell, S. W.....	Greene.....	Eutaw.
Cowan, J. H.....	Jackson....	Princeton.
Crawford, Daniel.....	Coosa.....	Rockford.
Corsbie, Samuel.....	Colbert.....	Alsboro.
Davis, C. H.....	Bullock....	Union Springs.
Dotson, Menter.....	Sumter.....	Livingston.
Dozier, John.....	Perry.....	Uniontown.
Draxler, Frank.....	Mobile.....	Mobile.
Dustan, C. W.....	Marengo....	Demopolis.
Elliott, A. M.....	Shelby.....	Columbiana.
Ellsworth, Hales.....	Montgomery.	Montgomery.
Fantroy, Samuel.....	Barbour....	Eufaula.
Franklin, John N.....	DeKalb.....	Fort Payne.
Gillaspie, H. A.....	Blount.....	Blountsville.
Goldsby, J. H.....	Dallas.....	Fords.
Greene, J. K.....	Hale.....	Greensboro.
Greene, R. J.....	Jefferson...	Irondale.
Gresham, J. B.....	Pickens.....	Carrollton.
Hamilton, A. J.....	Marion....	Pikeville.
Hannon, J. B.....	Elmore.....	Wetumpka.
Hawkins, T. C.....	Greene.....	Haysville.
Howell, W. P.....	Cleburne....	Oak Level.
Hunter, W. H.....	Lowndes....	Hayneville.
Johnson, R. L.....	Dallas.....	Selma.
Jones, Samuel G.....	Lee.....	Youngsboro.
Jones, Reuben.....	Madison....	Huntsville.
Kelly, E. D.....	Walker.....	Eldridge.
Lamb, John.....	Limestone...	Athens.
Lawrence, G. W.....	Cherokee....	Gaylesville.
Lee, C. S.....	Coffee.....	Elba.
Levey, J. M.....	Montgomery.	Montgomery.
Lewis, G. S. W.....	Perry.....	Uniontown.
Lovvorn, W. D.....	Randolph...	Lamar.
McAfee, N. S.....	Talladega...	Talladega.
McCaskie, T. D.....	Wilcox.....	Camden.
McCoy, H. R.....	Chambers...	Milltown.
McHugh, John H.....	Mobile.....	Mobile.

NAME.	COUNTY.	POSTOFFICE.
Mancill, E. J.	Covington...	Andalusia.
Manning, A. R.	Mobile.....	Mobile.
Masterson, Thomas	Lawrence ...	Courtland.
Mathews, Perry	Bullock.....	Union Springs.
Maull, January	Lowndes....	Benton.
Millen, G. R.	Russell	Fort Mitchell.
Merriwether, Willis.....	Wilcox	Prairie Bluff.
Moss, J. M.	Madison	Huntsville.
Murfree, Joel D.	Pike	Troy.
Musgrove, W. A.	Fayette	Palo.
Patterson, S. J.	Autauga	Autaugaville.
Patterson, George.....	Macon	LaPlace.
Peddy, Thomas B.	Lee	Loachapoka.
Purcell, H.	Henry	Columbia.
Reed, Robert.....	Sumter.....	Belmont.
Reese, B. W.	Hale.....	Greenesboro.
Renfro, J. M.	Calhoun	Jacksonville.
Simpson, John S.	Lawrence...	Courtland.
Slater, J. A.	Choctaw	Butler.
Smith, J. N.	Bibb.....	Centreville.
Smith, Anderson.....	Dallas	Pleasant Hill.
Smith, W. G. W.	Morgan.....	Forkville.
Smith, H. P.	Tallapoosa..	Young's Roads.
Speed, L. S.	Bullock.....	Union Springs.
St. Clair, Henry.....	Macon	Tuskegee.
Stallworth, Nicholas	Conecuh	Evergreen.
Steel, James W.	Madison	Huntsville.
Steel, Lawson.....	Montgomery	Mount Meigs.
Stone, Lewis M.	Pickens.....	Carrollton.
Stribling, William	Washington.	St. Stephens.
Taylor, B. F.	Lauderdale..	Centre Star.
Taylor, William	Sumter.....	Belmont.
Threat, F. H.	Marengo	Demopolis.
Thomas, B. R.	Marengo	Uniontown.
Treadwell, J. R.	Russell	Hurtville.
Vaughn, James M.	Baldwin	Stockton.
Walker, Thomas.....	Dallas	Selma.
Whatley, W. H.	Tallapoosa ..	Fish Pond.
Weatherford, W. W.	Franklin....	Frankfort.
White, J. H.	Clay.....	Ashland.
Wilkinson, Levi.....	Dale.....	Skipperville.
Williams, A. E.	Barbour	Enfauila.
Williams, L. J.	Montgomery.	Montgomery

SUPREME COURT OF ALABAMA.

THOMAS M. PETERS, CHIEF-JUSTICE.

BENJ. F. SAFFOLD, ASSOCIATE.

ROBERT C. BRICKELL, ASSOCIATE.

Order of Business for January Term.

The eighth division, composed of the counties of Blount, Colbert, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Morgan, St. Clair, and Winston.

The seventh division, composed of the counties of Calhoun, Cherokee, Clay, Cleburne, Coosa, DeKalb, Etowah, Jefferson, Shelby, and Talladega.

The sixth division, composed of the counties of Fayette, Greene, Hale, Marengo, Marion, Pickens, Sanford, Sumter, Tuskaloosa, and Walker.

The fifth division, composed of the counties of Baker, Chambers, Elmore, Lee, Macon, Randolph, Russell, and Tallapoosa.

The fourth division, composed of the counties of Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, and Pike.

The third division, composed of the counties of Autauga, Butler, Conecuh, Escambia, Lowndes, and Montgomery.

The second division, composed of the counties of Bibb, Dallas, Monroe, Perry, and Wilcox.

The first division, composed of the counties of Baldwin, Choctaw, Clarke, Mobile, and Washington.

Order of Business for June Term.

The first division, composed of the counties of Baldwin, Choctaw, Clarke, Mobile, and Washington.

The second division, composed of the counties of Bibb, Dallas, Monroe, Perry, and Wilcox.

The third division, composed of the counties of Autauga, Butler, Conecuh, Escambia, Lowndes, and Montgomery.

The fourth division, composed of the counties of Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, and Pike.

The fifth division, composed of the counties of Baker, Chambers, Elmore, Lee, Macon, Randolph, Russell, and Tallapoosa.

The sixth division, composed of the counties of Fayette, Greene, Hale, Marengo, Marion, Pickens, Sanford, Sumter, Tuscaloosa, and Walker.

The seventh division, composed of the counties of Calhoun, Cherokee, Clay, Cleburne, Coosa, DeKalb, Etowah, Jefferson, Shelby, and Talladega.

The eighth division, composed of the counties of Blount, Colbert, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Morgan, St. Clair, and Winston.

FIRST JUDICIAL CIRCUIT.

MILTON J. SAFFOLD, Selma, Judge.

Perry county—1st Monday in March and October; three weeks.

Hale county—3d Monday after 1st Monday in March and October; three weeks.

Bibb county—6th Monday after 1st Monday in March and October; one week.

Dallas county—8th Monday after 1st Monday in March and October; eight weeks.

SECOND JUDICIAL CIRCUIT.

J. Q. SMITH, Montgomery, Judge.

Elmore county—4th Monday in March and September; two weeks.

Baker county—2d Monday after 4th Monday in March and September; one week.

Autauga county—3d Monday after 4th Monday in March and September; two weeks.

Lowndes county—5th Monday after 4th Monday in March and September; three weeks.

Montgomery county—1st Monday in June and 2d Monday in December; until business is disposed of.

THIRD JUDICIAL CIRCUIT.

W. S. MUDD, Elyton, Judge.

- Walker county—2d Monday in March and September; one week.
 Fayette county—3d Monday in March and September; one week.
 Sanford county—4th Monday in March and September; one week.
 Marion county—1st Monday after 4th Monday in March and September; one week.
 Winston county—2d Monday after 4th Monday in March and September; one week.
 Jefferson county—3d Monday after 4th Monday in March and September; two weeks.
 Tuskaloosa county—5th Monday after 4th Monday in March and September; until business is disposed of.
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FOURTH JUDICIAL CIRCUIT.

J. S. CLARKE, Mountain Home, Judge.

- Morgan county—1st Monday in March and September; one week.
 Lawrence county—2d Monday in March and September; one week.
 Franklin county—3d Monday in March and September; one week.
 Colbert county—4th Monday in March and September; two weeks.
 Lauderdale county—2d Monday after 4th Monday in March and September; two weeks.
 Limestone county—4th Monday after 4th Monday in March and September; until business is disposed of.
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FIFTH JUDICIAL CIRCUIT.

W. J. HARALSON, Lebanon, Judge.

- Blount county—1st Monday in March; one week, and Monday before 1st Monday in September, two weeks.
 Marshall county—2d Monday in March and September: one week.

- DeKalb county—3d Monday in March and September; one week.
 Jackson county—4th Monday in March and September; three weeks.
 Madison county—5th Monday after 4th Monday in March and September; until business is disposed of.
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SIXTH JUDICIAL CIRCUIT.

JOHN ELLIOTT, Mobile, Judge.

- Mobile county—1st Monday after 4th Monday in April and November; until business is disposed of.
 Baldwin county—4th Monday after 4th Monday in March and September; two weeks.
 Washington county—2d Monday in April and November; one week.
 Clarke county—3d Monday in April and November; one week,
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SEVENTH JUDICIAL CIRCUIT.

L. R. SMITH, Demopolis, Judge.

- Pickens county—3d Monday in March and September; two weeks.
 Greene county—1st Monday after 4th Monday in March and September; two weeks.
 Sumter county—3d Monday after 4th Monday in March and September; two weeks.
 Choctaw county—5th Monday after 4th Monday in March and September; two weeks.
 Marengo county—7th Monday after 4th Monday in March and September; two weeks.
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EIGHTH JUDICIAL CIRCUIT.

J. McCaleb Wiley, Troy, Judge.

- Henry county—1st Monday in March and September; two weeks.
 Dale county—3d Monday in March and September; two weeks.
 Geneva county—1st Monday after 4th Monday in March and September; one week.
 Coffee county—2d Monday after 4th Monday in March and September; one week.

Pike county—3d Monday after 4th Monday in March and September; two weeks.

Bullock county—5th Monday after 4th Monday in March and September; two weeks.

Barbour county—7th Monday after 4th Monday in March and September; until business is disposed of.

NINTH JUDICIAL CIRCUIT.

L. B. STRANGE, Tuskegee, Judge.

Chambers county—5th Monday after 1st Monday in March and September; two weeks.

Russell county—9th Monday after 1st Monday in March and September; two weeks.

Tallapoosa county—4th Monday in March and September; two weeks.

Lee county—7th Monday after 1st Monday in March and September; two weeks.

Macon county—1st Monday in March and September; three weeks.

TENTH JUDICIAL CIRCUIT.

WM. H. SMITH, Wedowee, Judge.

Randolph county—3d Monday in February and August; one week.

Clay county—4th Monday in February and August; one week.

Talladega county—1st Monday in March and September; four weeks.

Shelby county—1st Monday after 4th Monday in March and September; two weeks.

Coosa county—3d Monday after 4th Monday in March; one week, and 3d Monday after 4th Monday in September; two days.

ELEVENTH JUDICIAL CIRCUIT.

P. O. HARPER, Greenville, Judge.

Covington county—1st Monday in March and September; one week.

Crenshaw county—2d Monday in March and September; two weeks.

- Escambia county—4th Monday in March and September; one week.
- Conecuh county—1st Monday after 4th Monday in March; two weeks, and 1st Monday after 4th Monday in September; one week.
- Monroe county—4th Monday after 4th Monday in March; one week, and 3d Monday after 4th Monday in September; two weeks.
- Wilcox county—5th Monday after 4th Monday in March and September; three weeks.
- Butler county—8th Monday after 4th Monday in March and September; until business is disposed of.

TWELFTH JUDICIAL CIRCUIT.

W. L. WHITLOCK, Centre, Judge.

- Cherokee county—1st Monday in March and September; two weeks.
- Etowah county—4th Monday in March and September; two weeks.
- St. Clair county—2d Monday after 4th Monday in March and September; one week.
- Calhoun county—3d Monday after 4th Monday in March and September; two weeks.
- Cleburne county—5th Monday after 4th Monday in March and September; one week.

NORTHERN CHANCERY DIVISION.

R. S. WATKINS, Russellville, Chancellor.

- 1st District—Franklin, 1st Monday in May and Thursday after 1st Monday in November; three days.
- 2d District—Lauderdale, 2d Monday in May and November; six days.
- 3d District—Lawrence and Winston, at Courtland, 2d Monday in January and July; two weeks.
- 4th District—Limestone, 4th Monday in May and November; six days.
- 5th District—Madison, 1st Monday after 4th Monday in May, six days, and 1st Monday after 4th Monday in November; two weeks.
- 6th District—Colbert, Monday preceding 1st Monday in May and November; six days.

- 7th District—Blount, Friday after 2d Monday after 4th Monday in May ; two days.
- 8th District—Marshall, 3d Monday after 4th Monday in May ; three days.
- 9th District—Jackson, Thursday after 3d Monday after 4th Monday in May, and 4th Monday in December ; six days.
- 10th District—DeKalb, Thursday after 4th Monday in May, and third Monday in December ; three days.
- 11th District—Morgan, 1st Monday in February ; one week.

MIDDLE CHANCERY DIVISION.

CHARLES TURNER, Selma, Chancellor.

- 1st District—Dallas, 1st Monday in April and October ; two weeks.
- 2d District—Baker, 3d Monday in April ; one week.
- 3d District—Perry, 4th Monday in April and October ; one week.
- 4th District—Bibb, 1st Monday after 4th Monday in April and October ; one week.
- 5th District—Shelby, 2d Monday after 4th Monday in April and October ; one week.
- 6th District—Jefferson, 3d Monday after 4th Monday in April and October ; four days.
- 7th District—St. Clair Thursday after 3d Monday after 4th Monday in April ; three days.
- 8th District—Autauga, 4th Monday after 4th Monday in April and October ; one week.
- 9th District—Elmore, 5th Monday after 4th Monday in April and October ; one week.
- 10th District—Coosa, 6th Monday after 4th Monday in April and October ; one week.
- 11th District—Monroe, Wednesday after 7th Monday after 4th Monday in April and October ; four days.
- 12th District—Wilcox, 8th Monday after 4th Monday in April and October ; one week.

SOUTHERN CHANCERY DIVISION.

A. C. FELDER, Montgomery, Chancellor.

- 1st District—Mobile and Baldwin, 4th Monday in January and June ; three weeks.

- 2d District—Montgomery, 4th Monday in May and November; three weeks.
- 3d District—Lowndes, 1st Monday in April and November; one week.
- 4th District—Pike, 1st Monday in June and December; two weeks.
- 5th District—Butler, Conecuh and Escambia.
Conecuh—4th Monday in February and August; two days.
Butler—Thursday after 4th Monday in February and August, until business is disposed of.
- 6th District—Coffee and Geneva, at Elba, 2d Monday in June and December; one week.
- 7th District—Crenshaw, 3d Monday in February and August; two days.
- 8th District—Covington, Wednesday after 3d Monday in February and August; two days.

EASTERN CHANCERY DIVISION.

B. B. McCRAW, LaFayette, Chancellor.

- 1st District—Calhoun and Cleburne.
Calhoun—5th Monday after 4th Monday in May, and 2d Monday in January; six days.
Cleburne—6th Monday after 4th Monday in May, and 3d Monday in January, or such other time as the chancellor may fix; three days.
- 2d District—Talladega and Clay, 2d Monday in February and August; six days.
- 3d District—Randolph, 2d Monday in January three days; and 7th Monday after 4th Monday in May, six days.
- 4th District—Tallapoosa, Thursday after 4th Monday in May, and 4th Monday in November; six days.
- 5th District—Chambers and Lee, Thursday after 1st Monday after 4th Monday in May, and 1st Monday in November, until business is disposed of.
- 6th District—Macon, 3d Monday in May and December; one week.
- 7th District—Russell, 3d Monday in May six days, and third Monday in November; three days.
- 8th District—Bullock, 3d Monday after 4th Monday in March and September, until business is disposed of.

9th District—Barbour, Henry and Dale.

Barbour, 1st Monday after 4th Monday in March and September ; one week.

Henry, 2d Monday after 4th Monday in March and September ; four days.

Dale, Friday after 2d Monday after 4th Monday in March and September ; two days.

10th District—Cherokee, Thursday after 4th Monday after 4th Monday in May, and 3d Monday in January ; six days.

12th District—Etowah, 6th Monday after 4th Monday in May, and 4th Monday in January ; six days.

WESTERN CHANCERY DIVISION.

A. W. DILLARD, Livingston, Chancellor.

1st District—Clarke, 3d Monday in May and 1st Monday in December ; three days.

2d District—Washington and Choctaw, 1st Wednesday after 4th Monday in May, and Thursday after 2d Monday in November ; three days.

3d District—Marengo, 1st Monday after 4th Monday in May ; three days.

4th District—Sumter, Thursday after 4th Monday in May, and 3d Monday in November ; three days.

5th District—Greene and Hale, 2d Monday after 4th Monday in May ; six days, and Thursday after 4th Monday in November ; three days.

6th District—Tuskaloosa, 3d Monday after 4th Monday in May ; six days, and 4th Monday in November ; three days.

7th District—Pickens, 3d Monday in July and Thursday after 3d Monday in November ; three days.

8th District—Fayette, Marion and Walker, Thursday after 3d Monday in July ; three days.

Walker, 4th Monday in July ; six days.

9th District—Sanford, 4th Monday in July, until business is disposed of.

CITY AND CRIMINAL COURTS.

Criminal Court of Bullock County.—Terms held at Union Springs.

C. J. L. CUNNINGHAM, Judge.
GEORGE WILLIAMS, Clerk.

Two terms annually, commencing on 2d Monday in January and 1st Monday in August.

Criminal Court of Butler County.—Terms held at Greenville.

J. K. HENRY, Judge.
E. CRENSHAW, Clerk.

Two terms annually, commencing on 1st Monday in February and August.

Criminal Court of Dallas County.—Terms held at Selma.

GEORGE H. CRAIG, Judge.
R. F. THOMAS, Clerk.

Term commencing on the 4th Monday of each month for trial of such misdemeanors as may by law be tried without a jury; and three terms annually for the trial of criminal offenses generally, commencing on the first Monday of March, July and December.

City Court of Eufaula.

E. M. KEILS, Judge.
A. T. SPENCE, Clerk.

Two terms annually, commencing on 2d Monday in June and December.

City Court for Lee County.—Terms held at Opelika.

JOHN N. CHILTON, Judge.
J. H. SLAPPY, Clerk.

Two terms annually, commencing on 1st Monday in February and August.

City Court of Mobile.

C. F. MOULTON, Judge.
P. LAVERG, Clerk.

Terms for the trial of civil causes, commence on 1st Monday in February and May and 2d Monday in November.

City Court of Montgomery County.

J. D. CUNNINGHAM, Judge.

AVERETT HOWARD, Clerk.

Three terms annually, commencing on 3d Monday in February, and 2d Monday in July and October.

STATE OFFICERS.

Executive Department.

DAVID P. LEWIS, Governor.

ALEX. MCKINSTRY, Lt. Governor.

NEANDER H. RICE, Secretary of State.

R. T. SMITH, Auditor of State.

ARTHUR BINGHAM, State Treasurer.

BENJ. GARDNER, Attorney General.

Educational Department.

J. H. SPEED, Superintendent of Public Instruction.

Board of Education.

1st District—J. H. Sears, Selma.

W. B. H. Howard, Camden.

2d District—J. R. Ard, Ozark.

G. M. T. Gibson, Geneva.

3d District—O. D. Smith, Opelika.

J. P. Oliver, Dadeville.

4th District—John T. Foster, Greensboro.

(Vacancy.)

5th District—L. F. Box, Ashville.

W. N. Cowen, Gadsden.

6th District—W. J. Smith, Town Creek.

A. H. McClung, Jasper.

Bureau of Industrial Resources.

THOMAS LAMBERT, Commissioner.

JUDICIAL DEPARTMENT.

Supreme Court.

T. M. PETERS, Chief Justice, Moulton.

B. F. SAFFOLD, Associate, Selma.

R. C. BRICKELL, Associate, Huntsville.

D. B. BOOTH, Clerk Prattville.

T. G. JONES, Reporter, Montgomery.
 W. P. GOLSON, Marshall and Librarian, Prattville.

Circuit Judges.

M. J. SAFFOLD, 1st Circuit, Selma.
 J. Q. SMITH, 2d Circuit, Montgomery.
 W. S. MUDD, 3d Circuit, Elyton.
 W. J. HARALSON, 4th Circuit, Lebanon.
 J. S. CLARKE, 5th Circuit, Mountain Home.
 JOHN ELLIOTT, 6th Circuit, Mobile.
 L. R. SMITH, 7th Circuit, Demopolis.
 J. McC. WILEY, 8th Circuit, Troy.
 L. B. STRANGE, 9th Circuit, Tuskegee.
 W. H. SMITH, 10th Circuit, Wedowee.
 P. O. HARPER, 11th Circuit, Greenville.
 W. L. WHITLOCK, 12th Circuit, Centre.

Chancellors.

R. S. WATKINS, Russellville, Northern Division.
 CHAS. TURNER, Selma, Middle Division.
 A. C. FELDER, Montgomery, Southern Division.
 B. B. McCRAW, LaFayette, Eastern Division.
 A. W. DILLARD, Livingston, Western Division.

CONGRESSIONAL REPRESENTATION.

United States Senators.

GEORGE GOLDTHWAITE, Montgomery.
 GEORGE E. SPENCER, Decatur.

Representatives.

At large—ALEX WHITE, Selma.
 At large—C. C. SHEETS, Decatur.
 1st District—F. G. BROMBERG, Mobile.
 2d District—J. T. RAPIER, Montgomery
 3d District—CHARLES PELHAM, Talladega.
 4th District—CHARLES HAYS, Eutaw.
 5th District—J. H. CALDWELL, Jacksonville.
 6th District—J. H. SLOSS, Tuscumbia.

List of County Officers in the State of Alabama for 1874.

COUNTIES.	POST-OFFICE OR COUNTY SITE.	PROBATE JUDGE.	CIRCUIT CLERK.	SHERIFF.	TAX ASSESSOR.	TAX COLLECTOR.
Autauga	Prattville	Golson, W. G. M.	Roper, J. F.	Boon, W. J.	Jackson, W. B.	Booth, J. H.
Baker	Clanton	Roberson, M.	Vines, F. M.	Dunlap, J. W.	Boykin, J. D.	Dudley, J. A.
Baldwin	Howard's	Gasque, W. H.	Gesque, W. H.	Moniac, D. A.	Moniac, D. A.	Moniac, D. A.
Barbour	Clayton	Russell, H. C.	Spence, A. T.	Flournoy, J. C.	Lore, D.	Williams, G. W.
Bibb	Centreville	Gardner, J.	Owen, J. W.	Latham, J.	Lowery, J. B.	Wells, D. N.
Blount	Blountsville	Moore, J. W.	Gillespie, H. A.	Shelton, G. D.	Burnett, S. T.	Ratliff, J.
Bullock	Union Springs	Black, W. H.	Williams, Geo.	Cowan, J. G.	Mabson, T., Sr.	McCall, S.
Butler	Greenville	Watson, H. W.	Crenshaw, E.	Perdue, J. H.	Armstrong, C. J.	Hicks, J. A.
Callhoun	Jacksonville	Woods, A.	Crook, W. P.	Read, C. P.	Fitz, H.	McCleden, E. H.
Chambers	LaFayette	Appleby, John	Dorman, W. L.	Robinson, S.	Abernathy, D. H.	Clemmons, W. H.
Clarke	Grove Hill	Wilson, J. R.	Savage, J. C.	Bettis, J. R.	Cowan, T. J.	Parker, S. J.
Clay	Ashland	Bellamy, B. L.	Stockdale, J. R.	Beard, Isaac	Haynes, J. L.	Bartlett, Y. J. A.
Cherokee	Centre	Bradford, J.	Daniel, D. C.	Daniel, J. M.	Leath, J. A.	Savage, R. R.
Cleburne	Edwardsville	Hunnicut, W. R.	Baber, J.	Alexander, W. J.	Caffey, L.	Hogan, J. D.
Choctaw	Butler	Evans, J. S.	Chapman, J. C.	Hearin, R. M.	Davis, J. J.	O'Neal, J.
Coffee	Elba	Weeks, B. M.	Vaughn, A.	Donnelly, H. E.	Powe, H. H.	Ulmer, F.
Colbert	Tuscumbia	Ligon, A. W.	McClesky, S. W. L.	Julian, W. R.	Craig, J. F.	Alexander, J. G.
Conceh.	Evergreen	Jones, A. W.	Ledkins, W. J.	Fortner, J.	Etheridge, L.	Stallworth, W. M.
Coosa	Rockford	Fargason, T. H.	Bentley, J. S.	Gulledge, R. H.	Davis, G. N.	Howard, J. N.
Covington	Andalusia	Cotter, T. P.	Acree, W. T.	Thompson, J. A.	Fletcher, A. J.	Fletcher, A. J.
Crenshaw	Rutledge	Thagard, G. W.	Cody, F. M.	Jones, O. S.	Curenton, M. J.	Benbow, J. V.
Dale	Ozark	Brown, L. B.	Barnes, J.	Dowd, B.	Byrd, C.	Fain, T. J.
Dallas	Selma	Conoly, J. F.	Silsby, J.	Brantley, W. A.	Boyd, A.	Morgan, E. I.
DeKalb	Lebanon	Horton, A. J.	Brandon, P. A.	Nicholson, T. J.	Franklin, J. B.	McCurdy, J. A.
Elmore	Wetumpka	Dennis, W. F.	Bulger, W. C., Jr.	Lancaster, J. A.	Still, W. C.	Glenn, J. S. C.
Escambia	Pollard	Bonifay, F. B.	Kelly, E.	McMillan, M.	Brewton, E. T.	Presley, J. H.
Etowah	Gadsden	Moragne, J. M.	Brock, H. M.	Lovins, W. S.	Means, P. B.	Garmany, G. N.

Fayette.	Fayette C. H.	Wilson, B. W.	Bermis, J. B.	Henry, J. J.	Thornton, P. W.	Stellman, B. M.
Franklin.	Frankfort.	Anderson, S. S.	Bently, J. G.	Copeland, R.	Jordan, J. M.	Chambliss, D. N.
Geneva.	Geneva.	Yarborough, T. H.	Morris, W. H.	Register, J. F.	Thomas, A. F.	Mills, N. J.
Greene.	Eutaw.	Roberts, T. W.	Head, J. B.	Steele, J. A.	Smith, J. T.	Kimbrough, J. T.
Hale.	Greensboro.	Hobson, J. M.	Boardman, V.	Harris, F. M.	Jones, W. W.	Johnson, B.
Henry.	Abbeville.	Appling, J. B.	Bradley, W. E.	Coe, J. A.	Yonge, J. A.	Watford, W. F.
Jackson.	Scottsboro.	Tate, D.	Huggins, A. J.	Harris, J. R.	McMahon, S. H.	King, J. R.
Jefferson.	Birmingham.	Morrow, J. C.	Ware, J. M.	Eubank, J. T.	Baker, J. A.	Laird, A. H.
Lauderdale.	Florence.	Allington, T. T.	Jackson, James.	Lewis, A. D.	Denson, T. J.	Thomas, J.
Lawrence.	Moulton.	McDonald, J. H.	Goodlett, R. Y.	Simmons, W. T.	McVay, L. C.	Campbell, D. B.
Lee.	Opelika.	Williams, W.	Tucker, S. H.	Hubbard, J. R.	Knight, W. N.	Scott, A. A.
Limestone.	Athens.	Coman, J. L.	Moore, J. A.	Malone, J. H.	Bailey, N. R.	Cannon, D. A.
Lowndes.	Hayneville.	McDuffie, J. V.	Cook, I. C.	Bryan, L. J.	Pepperman, J.	Armstrong, T. W.
Macon.	Tuskegee.	Menefee, J. T.	Hays, H. R.	Grimmett, J. A.	Carr, W. S.	Bowen, W. B.
Madison.	Huntsville.	Douglas, L. M.	Bone, J. H.	Brown, J. H.	Taylor, T. J.	Morrow, J. F.
Marengo.	Linden.	Maupin, R. L.	Taylor, J. W.	Harrison, J.	Wynn, A. J.	McNeil, M. H.
Marion.	Pikeville.	Terrell, J. D.	Pope, D. W.	Akers, M. T.	Akers, M. T.	Akers, M. T.
Marshall.	Guntersville.	Lusk, D. L.	Proctor, N. T.	Province, F. A.	Garrett, P. M. B.	Whittaker, R.
Mobile.	Mobile.	Horton, G.	Lomery, J. M.	Dane, R.	Simpson, J. R.	Lott, E. B.
Monroe.	Monroe.	Leslie, J. W.	Deloach, J.	Kemp, W. B.	Middleton, W. G.	Boyles, J. T.
Montgomery.	Montgomery.	Ely, Geo.	Brainard, M. D.	Strobach, P.	McDuffie, J. D. B.	Robinson, P.
Morgan.	Somerville.	Ford, J.	Stinson, S. S.	Ponder, B. F.	Burt, H.	Woodall, J. J.
Perry.	Marion.	Howze, A. C.	Jones, L. S.	Harris, J. T.	Smith, H. W.	Moseley, H. H.
Pickens.	Carrollton.	Bogle, R. R.	Langdon, J. F.	Lipse, W. L.	McCafferty, J. C.	Kilpatrick, J.
Pike.	Troy.	Woods, W. C.	Brantley, T. K.	Segars, H. R.	Satcher, J. N.	Ballard, T. N.
Randolph.	Wedowee.	Dobson, W. W.	Bolt, R. H.	Bennett, J.	Cofield, W.	Davis, J. H.
Russell.	Seale.	Appleby, T. L.	Falkner, W. A. B.	Burch, J. S.	Davis, A.	Bikerstaff, J. H.
Sanford.	Vernon.	Falkner, B. L.	Martin, J. M.	Wofford, L. M.	Pennington, J. E.	King, J. R.
St. Clair.	Ashville.	Robinson, E. J.	Newton, R. F.	Robinson, H. F.	Rowan, R.	McClendon, J.
Shelby.	Columbiana.	Leeper, J. T.	Elliott, C. B.	Nelson, F. A.	Elliott, J. L.	Seale, E.
Sumter.	Livingston.	Abrahams, J. A.	Wayne, W. A.	Williamson, S.	Deloach, N. R.	Hall, S.
Talladega.	Talladega.	Plowman, G. P.	Coker, J. H.	Nix, J. J.	Billue, J. D.	Thompson, F. B.
Tallapoosa.	Dadeville.	Sturdivant, A. D.	Smith, T. J.	Hodo, D. N.	Green, N. A.	Parker, R. T.
Tuscaloosa.	Tuscaloosa.	Miller, W.	Parish, R. C.	Skelton, J. A.	Ryan, N. J.	Horne, J. R.
Walker.	Jasper.	Brown, J.	Stovall, D. L.	Ferguson, H.	Jones, R. L.	Jones, R. L.
Washington.	St. Stephens.	Gordy, J. W.	Gordy, J. W.	Bailey, T. H.	Shinn, T.	Clements, Z. T.
Wilcox.	Camden.	Cook, J. T.	Morgan, A. L.	McWilliams, E. C.	Fraser, D. J.	Davis, L. M.
Winston.	Houston.	Hays, A. B.	Burdick, F. C.	Adkins, H.	Long, J. C.	Hughes, G.

TABLE

OF THE

RATES OF INTEREST OF THE STATES OF THE UNION,

COMPILED IN PURSUANCE OF AN ACT APPROVED FEBRUARY 18TH, 1848.

Maine.....6	per cent.	Kansas, (convent'l)..10	per cent.
Rhode Island.....6	"	New Hampshire... 6	"
Massachusetts.....6	"	Connecticut. 6	"
New York.....7	"	Vermont..... 6	"
Pennsylvania.6	"	New Jersey..... 6	"
Maryland.6	"	Delaware..... 6	"
North Carolina.....6	"	Virginia 6	"
Tennessee.....6	"	South Carolina.... 7	"
Ohio..... 6	"	Kentucky 6	"
Illinois6	"	Indiana..... 6	"
Alabama8	"	Georgia..... 8	"
Arkansas.....6	"	Missouri..... 6	"
Iowa7	"	Michigan..... 6	"
Texas, (convent'l)..8	"	Florida..... 8	"
California, " 10	"	Wisconsin 7	"

MISSISSIPPI.—Legal interest, 6 per cent. ; lent money, 8 per cent.

LOUISIANA.—Legal interest, 5 per cent. ; bank interest, 6 per cent. ; conventional interest, 10 per cent.